UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

September 14, 2009

Certified Mail No. 7007-2560-0001-7660-5118
Return Receipt Requested

In reply, refer to WST-3

Warning Letter and Certification of Violation Correction

Todd Guimond
EH&S Specialist
Siemens Water Technologies Corporation
2523 Mutahar Street
P.O. Box 3308
Parker, AZ 85344

Dear Mr. Guimond:

On June 22, 2009, a Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI) was conducted by inspectors from the United States Environmental Protection Agency (U.S. EPA), accompanied by a representative from The Colorado River Indian Tribes Environmental Protection Office. The purpose of the inspection was to determine the compliance of Siemens Water Technologies Corporation (herein "Siemens" or "the facility") with hazardous waste regulations in 40 Code of Federal Regulations (CFR) Subtitle C.

A copy of the inspection report is enclosed for your information and response. The report describes conditions at the facility at the time of the investigation, and identifies areas of noncompliance with RCRA. Siemens' actions during the inspection and submittal subsequent to the inspection adequately addressed the violations which were noted during the inspection, and documented Siemens' return to compliance with the regulations cited in the inspection report. Any omissions in the report shall not be construed as a determination of compliance with any other applicable regulations.

By copy of this letter, EPA is providing the Colorado River Indian Tribes with notice of the referenced areas of noncompliance with RCRA regulations. EPA is also providing the Colorado River Indian Tribes with notice that it intends to take no further enforcement action for the violations noted.

EPA routinely provides copies of inspection reports to state or tribal agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 40 C.F.R. Part 2, Subpart B. If you believe the investigation report of the June 24, 2009 inspection contains privileged or confidential information, you may make a claim within fourteen (14) calendar days from your receipt of this letter. EPA will construe the failure to furnish a timely confidentiality claim as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

Siemens should continue to take the necessary steps to maintain and ensure compliance with all applicable Federal, State and local environmental requirements. If you have questions related to technical aspects of the inspection report or this letter, please contact Kaoru Morimoto of my staff at (415) 972-3306.

Sincerely,

Loren Henning

Loren Henning, Manager
RCRA Enforcement Office

Enc:

cc (w/o enclosure): Hector Duran, Colorado River Indian Tribes Environmental Protection Office

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

WASTE MANAGEMENT DIVISION
RCRA ENFORCEMENT OFFICE

Purpose:	RCRA Compliance Evaluation Inspection
Facility:	Siemens Water Technologies Corporation
Facility Address:	2523 Mutahar Street P.O. Box 3308 Parker, AZ 85344
Mailing Address:	Same as above
EPA ID Number:	AZD 982 441 263
Date of Investigation:	June 22, 2009
EPA Representatives:	Kaoru Morimoto (415) 972-3306 morimoto.kaoru@epa.gov Christopher Rollins (415) 947-4166 rollins.christopher@epa.gov
Colorado River Indian Tribes Environmental Protection Office Representative:	Hector Duran Environmental Officer (928) 662-4336
Facility Representatives:	Monte McCue Director, Plant Operations (928) 669-5758, ext. 17 Todd Guimond EH&S Specialist (928) 669-5758, ext. 12

Report Prepared By:	Kaoru Morimoto
Date of Report:	July 29, 2009

Investigation

On June 22, 2009, a Resource Conservation and Recovery Act (RCRA) Compliance Evaluation Inspection (CEI) was conducted by inspectors from the United States Environmental Protection Agency (U.S. EPA), accompanied by a representative from The Colorado River Indian Tribes Environmental Protection Office. The purpose of the inspection was to determine the compliance of Siemens Water Technologies Corporation (herein "Siemens" or "the facility") with hazardous waste regulations in 40 Code of Federal Regulations (CFR) Subtitle C.

Background

Employing seventeen people, Siemens is currently operating as an interim status storage and treatment facility and is actively in the process of obtaining a part B permit for their carbon regeneration activities. Detailed information on the facility's processes and operations can be found the current permit application.

The previous hazardous waste compliance inspection was conducted by the U.S. EPA on September 13, 2007. No potential violations were identified during that inspection.

Site Inspection

Unloading Area

The unloading area was paved with asphalt. No hazardous wastes were located in this area at the time of the inspection. No potential violations were noted.

Container Storage Warehouse

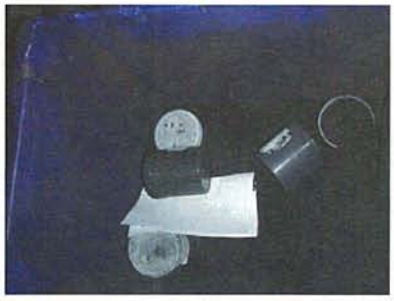
The inspectors did not note any cracks in the floor or liquid in the containment sumps.

In addition to the containers of spent carbon from off-site facilities pending regeneration, the inspectors observed one 55-gallon satellite accumulation container for warehouse debris, dated 6/12/09, in this area (see photograph to the right). No potential violations were noted.

During the inspection of this area, the inspectors observed the following issues:

- One 5-gallon container of used oil (approximately 1/5 full) that was not labeled as used oil. This container was added to the properly labeled 55-gallon used oil container during the inspection.

- Two open and unlabeled 5-gallon containers containing carbon from carbon samples (see photographs to the right). The carbon from these containers was properly managed during the inspection.



The inspectors noted that the aisle space between two of the rows in the warehouse was small (i.e., smaller than the aisle space distance marked on the floor between the other aisles (see photograph to the right). During the record review it was confirmed that the contents in these two rows were non-RCRA wastes. The inspectors recommended that Siemens maintain the same aisle space between all rows in the warehouse. No potential violations were noted.

Baghouse Satellite Accumulation Area

The container attached to the unit was dated March 24, 2009 (see photograph to the right). No potential violations were noted.

Secondary Containment Around Tanks (T-1, T-2, T-5, & T-6)

No unaddressed cracks were noted in the secondary containment area. No potential violations were noted.

Roll-Off Bin Area

The 20-cubic yard roll-off bin was dated June 12, 2009 (see photograph to the right). No potential violations were noted.

Other Outside Areas

The inspectors noted that the facility was actively repackaging any bags (of carbon - product) that had deteriorated from exposure to the elements.

Caustic Tank (product)

The inspectors observed some caustic residue from the product tank underneath one of the pipes (see photograph to the right). The inspectors informed the facility representative that this caustic should be cleaned up.

Subsequent to the inspection, the facility representatives provided photographs showing that this issue was resolved.

Storage Building (fines)

This material is being sold. No potential violations were noted.

Record Review:

Biennial Report

The inspectors reviewed the 2007 report. No potential violations were noted.

Weekly Inspections

Random weekly inspection records were reviewed. The inspectors noted that the inspection form did not include the area where the hazardous waste roll-off bin was stored. The form also did not include a section for repairs or other remedial actions.

Subsequent to the inspection, Siemens provided a revised inspection form which identified the area where the roll-off bin is stored and included a section for repairs or other remedial actions.

Daily Tank Inspections

Random daily inspection records were reviewed. No potential violations were noted.

Manifests and Land Disposal Restriction Notifications

The inspectors reviewed the manifests generated from 2008 to the present. No potential violations were noted.

Training

The training records for Mr. Jason Hargis were reviewed. No potential violations were noted.

Contingency Plan

No potential violations were noted.

Potential Violations (PV):

PV #1: Open Container

40 CFR § 265.173(a)

A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste [referenced by 40 CFR § 262.34(c)(1)(i)]

Findings: The inspectors observed two containers of spent carbon samples that were open at the time of the inspection.

Facility Response: This issue was corrected during the inspection.

PV #2: Labeling

40 CFR § 262.34(c)(1)

A generator may accumulate as much as 55 gallons of hazardous waste...in containers at or near any point of generation...without a permit or interim status and without complying with paragraph (a) of this section provided he:

(ii) Marks his containers either with the words, "Hazardous Waste" or with other words that identify the contents of the containers.

Findings: The inspectors observed two containers of spent carbon samples that were not labeled at the time of the inspection.

Facility Response: This issue was corrected during the inspection.

PV #3: Maintenance and Operation of Facility

40 CFR § 265.31

Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Findings: The inspectors observed dried caustic waste underneath a pipe next to the caustic product tank.

Facility Response: This area was cleaned up subsequent to the inspection.

PV #4: Labeling Used Oil

40 CFR § 279.22(c)(1)

Containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Findings: The inspectors observed one 5-gallon container of used oil that was not marked as required.

Facility Response: This issue was corrected during the inspection.

PV #5: General Inspection Requirements

40 CFR § 265.15(d)

The owner or operator must record inspections in an inspection log or summary...At a minimum, these inspection records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

40 CFR § 265.174

At least weekly, the owner or operator must inspect areas where containers are stored...The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

Findings: The inspectors noted that the weekly inspection records did not include an area to note the date and nature of repairs/remedial actions.

The inspectors also noted that the area where the 20-cubic yard roll-off bin was stored was not identified on the inspection log.

Facility Response: A revised inspection form was provided subsequent to the inspection which included the above required information.