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February 26, 1999

Charles Clarke  
Regional Administrator  
U.S. EPA Region 10  
1200 Sixth Avenue  
Seattle, WA 98 101

Re: **Petition for EPA Veto, Revocation or Suspension of Title V  
Permit No. DE 98AOP-C242 Issued by the Washington Department  
of Ecology**

Dear Mr. Clarke:

Pursuant to 40 CFR 70.8 (d), TPS Technologies, Inc. ("TPST") hereby petitions the U.S. Environmental Protection Agency ("EPA"), to veto, revoke or suspend Permit No. DE 98AOP-C242, ("Permit") which was issued on December 30 1998, to the Roosevelt Regional Landfill in Roosevelt, Washington by the Washington Department of Ecology ("WDOE"). EPA failed to object to the Permit during the 45-day review period provided in 40 CFR 70.8(c). TPST believes that EPA's failure to object was an error and that serious deficiencies now exist 'in the Permit. These deficiencies are detailed in TPST's Comments filed with WDOE, and in TPST's Notice of Appeal of the Permit issuance, which has been filed with WDOE. The Comments and the Notice of Appeal is attached for your reference.

WDOE failed to adequately respond to or address TPST's comments; TPST believes that EPA's comments regarding controls on emissions from petroleum contaminated soil ("PCS") were similarly ignored by the Regional Disposal Company and by WDOE. As a result, the Permit was issued with the following serious deficiencies:

1. The Permit does not adequately identify all emissions units at the facility. For example, even if the transfer station area of the landfill had only fugitive VOC emissions, those emissions needed to be identified with more specificity as potential emissions units. At least one other EPA Region has objected to a draft Title V permit on the basis that all emission units were not accounted for. Region IV Objection to Mississippi Department of Environmental Quality (April 18, 1997);

2. The Permit fails to adequately calculate VOC emissions from handling of PCS and the use of PCS as daily cover. Again, Region IV properly objected to a draft Title V permit that did not contain sufficient data regarding emissions from a facility. Id.;

3. The Permit and its supporting documentation fails to explain any basis for establishing vastly different types of controls on PCS at two similar landfill facilities in Central Washington (the Roosevelt Landfill and the Ryegrass landfill near Ellensburg, Washington);

4. The Permit fails to reflect the comments of Region 10's New Source Review personnel regarding controls on PCS, or to reflect the fact that the facility is either currently in noncompliance with New Source Review requirements or will be facing new source requirements within two years. If the facility is currently not in compliance with the New Source Review requirements either because it fails to address all emissions units or because it incorrectly calculates and greatly underestimates VOC emissions, then the Permit is issued illegally by wholly failing to address issues of noncompliance.

TPST believes that if the Roosevelt Landfill Title V Permit is allowed to become effective without being revised to address these issues, the Permit will have been unlawfully issued and the Permit will set a negative precedent for the national Title V program. Therefore, Region 10 must take immediate action to correct these deficiencies.

February 26, 1999  
Page 3

We are willing to meet with you at your convenience to discuss resolving these issues and moving forward in a constructive way.

DATED: February 29, 1999

Respectfully submitted,

PERKINS COIE

By:

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Attorneys for TPS Technologies, Inc.

DD:sab  
Enclosure

cc: Doug Hardesty (w/o enclosure)  
Ray Nye (w/o enclosure)