

# **PCB Approval Decision**

**US Ecology Nevada, Inc.  
Beatty, Nevada  
U.S. EPA ID: NVT330010000**



**Issued by  
U.S. Environmental Protection Agency, Region 9  
San Francisco, California**

**June 22, 2016**

# CONTENTS

1. Executive Summary .....	1
2. Introduction .....	2
3. Units Approved for PCB Waste Management .....	3
4. Approval Decision .....	5

## Tables

Table 1 - Approved PCB Units and Maximum Capacities .....	3
---	---

## 1. Executive Summary

The U.S. Environmental Protection Agency, Region 9 (“U.S. EPA” or “Agency”) is issuing a modified Approval (permit) for US Ecology Nevada, Inc. (“US Ecology”), as facility operator, to continue to operate a commercial polychlorinated biphenyl (“PCB”) storage and chemical waste landfill facility in Beatty, Nevada (“Facility”) and to construct and operate Trench 13, a new chemical waste landfill unit for disposal of PCBs. This PCB Approval Decision (“PCB Approval Decision”) explains and provides U.S. EPA’s rationale for issuing the modified Approval. U.S. EPA requested public comments on the “Proposed Modification of Approval for Commercial Storage and Disposal of Polychlorinated Biphenyls, US Ecology Nevada, Inc., Beatty, Nevada,” April 15, 2016 (“April 2016 Proposed Approval”), and the “Statement of Basis, Proposed Modification of Approval for Commercial Storage and Disposal of Polychlorinated Biphenyls, US Ecology Nevada, Inc. Beatty, Nevada” April 15, 2016 (“April 2016 Statement of Basis”). The April 2016 Statement of Basis presented and supported U.S. EPA’s proposed modification of the Approval for US Ecology to construct and operate Trench 13, a 47.3 landfill unit, within the 400 acres of land that surrounds the current 80-acre facility.

U.S. EPA’s April 2016 Proposed Approval was subject to a 45-day public comment period that began on April 27 and ended on June 10. U.S. EPA received no public comments on the April 2016 Proposed Approval and April 2016 Statement of Basis.

The Approval is being issued pursuant to Section 6(e)(1) of the Toxic Substances Control Act (“TSCA”) of 1976, 15 U.S.C. § 2605 (e)(1), and 40 C.F.R. Part 761, including any amendments or revisions thereto. A TSCA Approval is essentially a permit. For instance, EPA follows a similar administrative process for Approval issuance, renewal and modification as a permit. The Approval (“TSCA Approval” or “Approval”) will allow continued disposal of PCBs in the Trench 12 landfill, storage of PCBs, and limited treatment for disposal in two batch stabilization tanks. The Approval will also, for the first time, authorize the construction and operation of the Trench 13 landfill for disposal of PCB wastes. The Approval also includes the following PCB Units (“Units”): PCB Storage and Processing Building, PCB Tank Farm, Treatment Pans 4 and 5 (batch stabilization tanks), PCB Tank Truck Loading Pad, and the Evaporation Tank.

US Ecology is currently operating under an Approval to manage PCB wastes issued by U.S. EPA on November 5, 2012 (“2012 TSCA Approval”). The Approval modification is based on the written modification request titled “US Ecology Nevada, Inc., Class 3 Permit/Approval Modification Request, RCRA Permit No. NEVHW0025, EPA Toxic Substances Control Act (TSCA) Approval”, dated November 6, 2015, as revised on April 6, 2016 (collectively the “Modification Request”). The Modification Request was submitted to both U.S. EPA for the TSCA Approval overseen by U.S. EPA and the Nevada Division of

Environmental Protection (“NDEP”) for the Resource Conservation and Recovery Act (“RCRA”) Permit overseen by the NDEP.

Modifications to the 2012 TSCA Approval include: (1) adding Trench 13 as an operating unit, (2) deleting Trench 11 as an operating unit since it completed closure, (3) adding Approval requirements to protect the desert tortoise from construction and operations at the Facility including implementation of the “Desert Tortoise Protection Plan” (see Condition IV.B.10), (4) deleting references to the construction schedule for upgrading the PCB Tank Farm secondary containment and for constructing the PCB Tank Truck Loading Pad since these actions have been completed, (5) updating Table 3, PCB Monitoring Wells, to include additional monitoring wells related to Trench 13, (6) adding landfill inspection requirements after a 0.25 inch or greater storm event to the Post-Closure Care section (Approval Section VII.J), (7) removing references to the 400 acre buffer zone, (8) removing references in Paragraph V.J.1. to Section V.M. which was deleted and clarifying where PCB wipe and soil samples are to be taken, (9) conforming edits in Sections VI.B, VII.C., and VII.D to delete references to Trench 11 as an operating unit since it completed closure and add references to Trench 13, and (10) making general administrative changes and clarifications including, but not limited to, updating U.S. EPA contact information.

U.S. EPA has concluded, based upon agency review of the Modification Request and supporting documents that the modification of the 2012 Approval for US Ecology, along with the additional conditions included in the Approval, satisfies the requirements of TSCA and 40 C.F.R. Part 761 for disposal of PCB’s in a chemical waste landfill. U.S. EPA has also concluded that PCB operations at the Facility do not pose an unreasonable risk of injury to human health and the environment.

In addition to TSCA and the regulations at 40 C.F.R. § 761.75, U.S. EPA’s issuance of this Approval is consistent with Section 106 of the National Historic Preservation Act, Environmental Justice per Presidential Executive Order 12898, and Section 7 of the Endangered Species Act. U.S. EPA has evaluated the Modification Request and its supporting documents and determined that the issuance of the TSCA Approval for the US Ecology Facility is in compliance with these other requirements.

For additional details on U.S. EPA’s rationale for issuing the Approval, see the April 2016 Statement of Basis which is part of the Administrative Record (“AR”) for this action. The AR contains the documents and information that U.S. EPA considered in proposing to modify the 2012 TSCA Approval.

## **2. Introduction**

The US Ecology Facility is located in the Amargosa Desert on a 480 acre site northwest of Las Vegas, Nevada, off Highway 95. The closest city is Beatty, Nevada, which is located

approximately 11 miles northwest of the Facility. The Facility treats, stores and disposes of hazardous waste, PCBs, and non-hazardous industrial material. The site is owned by the State of Nevada and operated by US Ecology.

This PCB Approval Decision explains and justifies U.S. EPA’s issuance of a modified TSCA Approval for the US Ecology Facility in Beatty, Nevada, to store, treat for disposal, and dispose of PCB wastes. The PCB Approval Decision includes a table showing the units being approved for PCB waste management at the US Ecology Facility.

This PCB Approval Decision is organized into the following sections: Section 1 - Executive Summary, Section 2 - Introduction, Section 3 - Units Approved for PCB Waste Management, and Section 4 - Approval Decision and Public Comments.

### 3. Units Approved for PCB Waste Management

The Approval authorizes US Ecology to store, treat for disposal, and dispose of PCB wastes at the Facility as described in the table below:

**Table 1  
Approved PCB Units and Maximum Capacities**

<b>Waste Management Unit Name</b>	<b>Type and Number of Units</b>	<b>Authorized Activity</b>	<b>Maximum Total Capacity</b>	<b>Location in Approval</b>
PCB Storage and Processing Building	1 Building	Storage	59,400 gallons	Section V
PCB Tank Farm	5 Tanks	Storage	25,000 gallons	Section V
PCB Tank Truck Loading Pad*	1 Pad	Waste Transfer	Not Applicable	Section V
Stabilization Tanks (a.k.a. “Treatment Pans”)	Treatment Pans 4 and 5	Treatment for Disposal	137,000 gallons per day	Section VI
Evaporation Tank	1 Tank	Treatment for Disposal	10,000 gallons	Section VI
Trench 12	1 Landfill	Disposal	1.66 million cubic yards	Section VII
Trench 13	1 Landfill	Disposal	8.6 million cubic yards	Section VII

\*The PCB Tank Truck Loading Pad is an ancillary or support unit to the PCB Tank Farm.

For additional information on the units being approved for PCB waste management, see the April 2016 Statement of Basis.

#### **4. Approval Decision**

This section discusses the public participation process and U.S. EPA's Approval Decision.

##### **4.1. Public Participation**

On April 27, 2016, U.S. EPA began a 45-day public comment period during which it solicited comments on its April 2016 Proposed Approval, and its determination that historic properties will not be affected by the issuance of the Approval for the US Ecology Facility. The comment period closed on June 10, 2016.

U.S. EPA received no public comments on the April 2016 Proposed Approval and U.S. EPA's determination that historic properties will not be affected by the Approval decision. U.S. EPA made the determination based on the requirements of the National Historic Preservation Act ("NHPA").

U.S. EPA is issuing this Approval for the US Ecology Facility based on its review of the AR. Based on all the information available to date, U.S. EPA believes that PCB waste management operations, as allowed by this Approval, satisfy the requirements of TSCA and 40 C.F.R. Part 761 for storage of PCBs and for disposal of PCBs in a chemical waste landfill. In addition, U.S. EPA has also concluded that PCB operations at the Facility do not pose an unreasonable risk of injury to human health or the environment.

The AR contains the documents and information that U.S. EPA considered in making this final decision to issue the modified Approval. The AR is physically located at the U.S. EPA Region 9 Office, 75 Hawthorne Street, San Francisco, CA 94105.

Information repositories containing the most pertinent documents and an index of the AR are located at the Beatty Library, 400 North 4th Street, Beatty Nevada 89003-0129 and at the NDEP office in Las Vegas, Nevada at 2030 E. Flamingo Rd., Ste. 230, Las Vegas, NV 89119. If a document listed in the index of the AR cannot be found at the Beatty Library or NDEP Office, community members may call Ronald Leach at (415) 972-3362 and a copy will immediately be made available.

The most pertinent documents used in the decision making process can also be found on U.S. EPA's website at [www.epa.gov/region9/pcbs/usecology/](http://www.epa.gov/region9/pcbs/usecology/)

#### 4.2. Differences Between the Proposed and Final Approval

The differences between the proposed and final Approval's include a revised date, removing the word "proposed" in the title page and signature memorandum, removing references in Paragraph V.J.1.to Section V.M. which was deleted and clarifying where PCB wipe and soil samples are to be taken, and additional conforming edits in Sections VI.B, VII.C., and VII.D to delete references to Trench 11 as an operating unit since it completed closure and add references to Trench 13.