

Statement of Basis

Approval for Commercial Storage and Disposal of Polychlorinated Biphenyls (“PCBs”)

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



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

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1. Executive Summary

The United States Environmental Protection Agency, Region 9 ("U.S. EPA") is requesting public comment on its (1) proposal to renew and modify an 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 (hereinafter "Facility"), and (2) determination that historic properties will not be affected by the renewal and modification of the US Ecology Approval (see Section 10.a below). The proposed Approval also includes, for the first time, the State of Nevada, the site Owner (the "Owner"), as a co-permittee for purposes of closure and post-closure care only. This Statement of Basis ("SB") presents the terms of the proposed Approval and U.S. EPA's rationale for its issuance.

The Approval will be 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. Under TSCA, the action being proposed is known as an "Approval". A TSCA Approval is essentially a permit. For instance, U.S. EPA follows a similar administrative process for Approval issuance, renewal and modification as a permit. The proposed Approval ("TSCA Approval" or "Approval") will allow continued disposal of PCBs in the Trench 11 landfill, storage of PCBs, and limited treatment for disposal in two stabilization tanks. The proposed Approval will also, for the first time, authorize PCB disposal in the Trench 12 landfill that has been receiving hazardous wastes since 2008 pursuant to a Resource Conservation and Recovery Act ("RCRA") permit issued by the State of Nevada.

The proposed Approval is based on the written renewal application titled "Toxic Substances Control Act (TSCA) Permit Renewal Application, US Ecology Nevada, January 8, 2010" as revised on September 24, 2010, February 9, 2011, May 17, 2011 and December 15, 2011 (collectively the "Renewal Application").

US Ecology is currently operating under an Approval to manage PCB wastes issued by U.S. EPA in 1996. On July 1, 2000, US Ecology submitted an application to renew the 1996 Approval prior to its expiration on January 11, 2001. The submittal of the renewal application administratively extended the terms of the 1996 Approval. At U.S. EPA's request, US Ecology submitted a revised renewal application dated March 3, 2009. The July 1, 2000 and March 3, 2009 applications were superseded by the January 8, 2010 Renewal Application. US Ecology will continue to operate under the 1996 Approval until U.S. EPA makes a final decision on the Renewal Application.

The 1996 Approval is proposed to be renewed and modified to include the following new Waste Management Units ("Units"): Trench 12 landfill, Treatment Pans 4 and 5 (batch

stabilization tanks), PCB Tank Truck Loading Pad, and the Evaporation Tank. U.S. EPA has concluded, based upon agency review of the Renewal Application and supporting documents, that the proposed renewal and modification of the Approval for US Ecology, along with the additional conditions included in the proposed Approval, satisfies 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. 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.

U.S. EPA will make a final decision on the Renewal Application after considering public comments. A 45-day public comment period will begin on August 10, 2012 and end on September 24, 2012. Comments may be submitted to U.S. EPA during the public comment period (see Section 3 below, Public Participation for Proposed Approval).

2. Introduction

This SB explains and justifies U.S. EPA's proposal to renew and modify a TSCA Approval for the US Ecology Facility in Beatty, Nevada to store, treat for disposal, and dispose of PCB wastes.

This SB is organized into the following sections: Section 1 - Executive Summary, Section 2 - Introduction, Section 3 - Public Participation for Proposed Approval, Section 4 - Facility Description, Section 5 - Proposed Action, Section 6 - Required Regulatory Determinations for Storage of PCBs, Section 7 - Required Regulatory Determinations for Chemical Waste Landfills, Section 8 - Use of Omnibus Provisions, and Section 9 - Other Requirements.

3. Public Participation for Proposed Approval

U.S. EPA is requesting public comment on its proposed TSCA Approval for the US Ecology Facility in Beatty, Nevada. U.S. EPA is also, as required by the National Historic Preservation Act ("NHPA"), requesting public comment on its determination that historic properties will not be affected by the Approval decision.

U.S. EPA has issued a public notice and fact sheet announcing a 45-day comment period. The public comment period begins on August 10, 2012 and ends on September 24, 2012.

Comments may be submitted to U.S. EPA during the public comment period in writing via mail, email, fax and/or in person at a public meeting and hearing on the proposed Approval. The public meeting and hearing will be held on September 13, 2012 from 6:00 to 8:00 pm at the Beatty Community Center located at 100 A Avenue South, Beatty NV 89003.

Written comments should be faxed, emailed or postmarked on or before September 24, 2012 and sent to:

Ronald Leach, Project Manager (WST-4)
US Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

Phone number: 415-972-3362
Fax number: 415-947-3530
Email: leach.ronald@epa.gov

The public may review the Administrative Record (“AR”) which contains the documents and information that U.S. EPA considered in proposing to renew and modify the US Ecology Approval. The AR is physically located at the U.S. EPA Region 9 Office, 75 Hawthorne Street, San Francisco, CA 94105.

Satellite 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 Nevada Division of Environmental Protection (“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/.

4. Facility Description

The US Ecology Facility is located in the Amargosa Desert on an 80 acre site about 100 miles northwest of Las Vegas, Nevada, off Highway 95. The closest city is Beatty, Nevada, which is located approximately 11 miles northwest of the Facility (see Figure 1, Site Location Map). 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. The State of Nevada leases a 400-acre buffer zone surrounding the Facility from the U.S. Bureau of Land Management.

The Facility was established in 1962 by the Nuclear Engineering Company for disposal of low-level radioactive wastes (“LLRW”). In 1970, Nuclear Engineering Company obtained permission from the State of Nevada to dispose of hazardous chemical wastes on a portion of the property adjacent to the authorized LLRW disposal area, but separated by a 200-foot buffer zone. The chemical disposal facility has been in operation since 1970. The disposal of LLRW was discontinued in December 1992.

The Facility is currently operating under a RCRA permit issued by the Nevada Division of Environmental Protection to manage hazardous waste (“State RCRA Permit”) and a TSCA Approval from the U.S. EPA to dispose and store PCB waste that was issued in 1996. On

July 1, 2000, US Ecology submitted an application to renew the 1996 Approval prior to its expiration on January 11, 2001. The submittal of the renewal application administratively extended the terms of the 1996 Approval. At U.S. EPA's request, US Ecology submitted a revised renewal application dated March 3, 2009. The July 1, 2000 and March 3, 2009 applications were superseded by the January 8, 2010 Renewal Application. US Ecology will continue to operate under the 1996 Approval until U.S. EPA makes a final decision on the Renewal Application.

The Facility consists of nine pre-RCRA chemical waste trenches (closed), one LLRW landfill (closed), and the following three hazardous waste landfills: Trench 10 (closed), Trench 11 (operating) and Trench 12 (operating). Other operations at the US Ecology Facility include: batch stabilization and solidification, PCB storage in tanks, and storage of hazardous waste and PCBs.

5. Proposed Action

The proposed 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

Waste Management Unit Name	Type and Number of Units	Authorized Activity	Maximum Total Capacity	Location in Approval
PCB Storage and Processing Building	1 Building	Storage	59,400 gallons	Section V
PCB Tank Farm	5 Tanks	Storage	28,000 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 11	1 Landfill	Disposal	2.36 million cubic yards	Section VII
Trench 12	1 Landfill	Disposal	1.66 million cubic yards	Section VII

*The PCB Tank Truck Loading Pad is an ancillary or support unit to the PCB Tank Farm. The Pad, which will be constructed after issuance of the Approval, will provide containment for tanker trucks that receive PCB liquids from the PCB Tank Farm.

All of the units authorized by the proposed Approval for PCB waste management, with the exception of the PCB Tank Truck Loading Pad, are also separately permitted by the State of Nevada to store, treat, and dispose of hazardous waste under RCRA. The units being approved for storage, treatment for disposal, and disposal of PCBs are shown in Figure 2, Map of Approved PCB Units.

The proposed Approval includes the following significant changes from the previous Approval issued in 1996:

- Trench 12 is being authorized for PCB disposal. Trench 12 has been previously approved by the State of Nevada to receive hazardous wastes for disposal;
- Requirement for construction of a sealed concrete PCB Tank Truck Loading Pad;
- Requirement for construction of an upgraded sealed concrete secondary containment system for the PCB Tank Farm; and
- Limitations on treatment for disposal of PCBs in Treatment Pans 4 and 5 and in the Evaporation Tank.

6. PCB Unit Descriptions

The PCB Units authorized by the Approval for storage, treatment for disposal, and disposal at the US Ecology are described below:

a. PCB Storage Units

The PCB Storage and Processing Building (“PSPB”) (referenced as the PCB/RCRA Storage Building in the State RCRA Permit) is primarily used for storing PCBs and for draining and flushing equipment that contain PCB liquids. The State RCRA Permit authorizes other hazardous waste besides PCBs to be stored in the PSPB. The PSPB consists of an enclosed building (48 ft x 100 ft) with a roof and walls to protect PCBs from precipitation. It has a continuous curb 9 inches high inside and adjacent to the walls of the building. The building has a sealed concrete floor and is underlain by a 4-mil vapor barrier, and two sand-bedded 30 mil high density polyethylene synthetic liners. A vehicle access door is located on the front or west side of the building along with a small office.

The PCB Tank Farm consisting of five liquid storage tanks with a combined volume of 28,000 gallons is located behind (east) and adjacent to the PSPB. Pipes from the five PCB draining and flushing stations inside the PSPB extend to the adjacent PCB Tank Farm. There is a vacuum line for draining equipment and a feed line for the addition of flushing liquids. The PCB Tank Farm secondary containment system consists of a sandwich of two (2) 30 mil synthetic liners and a 125 mil polyester filter fabric protective sheet covered by at least 12 inches of sand for protection of the liner. The secondary containment system for the PCB Tank Farm will be upgraded to sealed concrete as

discussed in Subsections V.M. and V.N. of the Approval. The location of the PSPB and PCB Tank Farm are shown in Figure 2, Map of PCB Units Proposed for Approval.

US Ecology will construct a sealed concrete PCB Tank Truck Loading Pad where tanker trucks hook up to the bulk storage tanks in the PCB Tank Farm to remove PCB liquids. The location of the PCB Tank Truck Loading Pad will be near the PCB Tank Farm.

b. PCB Treatment for Disposal

US Ecology is permitted by the State of Nevada to treat hazardous waste in five Stabilization Tanks or "Treatment Pans" and the Evaporation Tank. Treatment Pans 1, 2 and 3, which are located outside, will be used in the future exclusively for treatment of hazardous waste (no PCBs). However, due to past operations involving PCBs, Treatment Pans 1, 2 and 3 are included in the Facility Closure Plan under the Approval. PCBs may, under special circumstances, be processed for disposal in Treatment Pans 4 and 5 which are included in the Approval. The Treatment Pans are installed below ground and are double lined steel tanks with a concrete shell that has a leak detection system. Treatment Pans 4 and 5 are located in the Container Management Building (CMU #16) which has a baghouse to control dust emissions. The Treatment Pans are primarily used to treat (stabilize) wastes to meet the U.S. EPA Land Disposal Requirements at 40 C.F.R. Part 268. They are also used to solidify liquids. The solidification process reduces the liquid content and increases the solid content so that a non-flowing consistency is achieved to eliminate the presence of free liquids prior to final disposal in the operational landfill units. Stabilization is a treatment process whereby wastes are mixed with reagents that bind the metals or other compounds such that mobility is reduced and they are no longer leachable. Excavators mix wastes with different reagents (e.g., dry inert absorbents) that come from a separate system and are also used to unload the Treatment Pans.

The Evaporation Tank is located outside, is installed below ground, and is constructed of concrete with a high density polyethylene liner and leak detection system. The Evaporation Tank is used to collect and evaporate (treat) rinsate water from the truck wash decontamination pad. Vehicle decontamination takes place at the truck washing facility which consists of a drain pad and evaporation tank. The trucks are placed on the drain pad where high pressure steam or water is used to clean contaminated areas. The truck wash rinsate is then directed into the Evaporation Tank. The rinsate is either held in the Evaporation Tank until evaporation of the water is complete or may be sent off-site for disposal. The remaining solids are then collected and disposed of in the Trench 11 or Trench 12 landfills. The location of the two indoor Treatment Pans and Evaporation Tank are shown on Figure 2, Map of PCB Units Proposed for Approval.

c. PCB Disposal

Trench 11 and Trench 12 are currently the only active landfills at the US Ecology Facility. Trench 11 is currently permitted to receive non-liquid RCRA hazardous waste, non-RCRA waste and PCBs. Trench 11 began operation in 1990 and is now nearly at full capacity. It will undergo the closure process once maximum disposal volume is reached. Trench 12 is being constructed in three separate phases. The first phase has been constructed and began disposal operations in 2008 having been previously permitted by the State of Nevada to receive non-liquid RCRA hazardous waste and non-RCRA waste. The second phase has been constructed and began RCRA hazardous waste and non-RCRA disposal operations in 2011. Trench 11 and Trench 12 both have bottom and sidewall liner systems that incorporate primary and secondary liners as well as leachate collection and recovery systems. The base footprint of Trench 11 is approximately 12.3 acres. The base footprint of Trench 12 is approximately 11 acres (all three phases). The locations of Trench 11 and Trench 12 are shown on Figure 2, Map of PCB Units Proposed for Approval.

7. Required Regulatory Determinations for Storage of PCBs (40 C.F.R. § 761.65(d)(2))

U.S. EPA has evaluated the Renewal Application including the supporting documents and determined that the requirements contained in 40 C.F.R. § 761.65(d)(2) have been satisfied for US Ecology to store PCBs at the Facility. U.S. EPA's findings for each requirement are discussed below:

a. Personnel Requirements

In accordance with 40 C.F.R. § 761.65(d)(2)(i), US Ecology, its principals, and its key employees responsible for the establishment and operation of the commercial storage facility are qualified to engage in the business of commercial storage of PCB waste. This finding is based on U.S. EPA's evaluation of the experience of the personnel that manage the Facility, as stated in the resumes contained in Attachment 1 of the Facility Operations Plan, dated February 2011 (Revision 3). This finding is also based on the Facility's compliance with the worker training program as described in Section 8.0, Personnel Training Program, of the Facility Operations Plan, dated February 2011 (Revision 3) and with the Personnel Training Program, US Ecology Nevada, October 2009 contained in Attachment 12 of the Facility Operations Plan, dated February 2011 (Revision 3). The Facility Operations Plan is contained in Appendix A of the Renewal Application.

b. Facility Capacity Requirements

In accordance with 40 C.F.R. § 761.65(d)(2)(ii), the Facility possesses the capacity to handle the quantity of PCB waste which US Ecology has estimated will be the maximum

quantity of PCB waste that will be stored at any one time at the Facility. This finding is based on the secondary containment calculations contained in Attachment 7 of the Renewal Application.

c. Certification of Compliance with Storage Facility Standards

In accordance with 40 C.F.R. § 761.65(d)(2)(iii), US Ecology has certified compliance with the storage facility standards in 40 C.F.R. § 761.65(b) and (c)(7). The signed certification is contained in Section 9.0, Commercial Storage Facilities, of the Renewal Application.

d. Closure Plan Development

In accordance with 40 C.F.R. § 761.65(d)(2)(iv), U.S. EPA finds that US Ecology has developed a written closure plan for the Facility that is deemed acceptable under the closure plan standards of 40 C.F.R. § 761.65(e). This finding is based on U.S. EPA's evaluation of the Closure Plan, US Ecology Nevada, September 2010 contained in Attachment 12 of the Renewal Application.

As required by 40 C.F.R. § 761.65(e), the Closure Plan includes a description of closure work for the PCB Storage Areas, the maximum extent of storage operations (the locations where waste will be stored), an estimate of the maximum amount of waste that could be stored at the Facility, a detailed description of the steps necessary to decontaminate PCB waste residues, a detailed description of the steps necessary to ensure that any post-closure releases of PCBs will not present unreasonable risks to human health or the environment, and a schedule for closure of each area of the Facility where PCBs were stored or handled.

e. Demonstration of Financial Responsibility for Closure

The TSCA requirements of 40 C.F.R. § 761.65(d)(2)(v) are not applicable to the US Ecology Facility. The US Ecology Facility is located on property owned by the State of Nevada and is thus not required to maintain a closure cost estimate and financial assurance for closure as discussed in 40 C.F.R. § 761.65(k). 40 C.F.R. § 761.65(k) indicates that "States and the Federal Government are exempt from the requirements of paragraphs (f) and (g) of this section." Paragraph (f) is the requirement to have a closure cost estimate and Paragraph (g) requires financial assurance for closure.

However, US Ecology, as required in their State RCRA Permit, does maintain financial assurance that covers closure for the entire Facility and post-closure care for the landfill units. The current financial assurance mechanism is a closure/post-closure fund held by the State of Nevada. US Ecology makes quarterly payments into the fund to assure that the amount held exceeds the estimated costs for closure and post-closure care. Under the

proposed Approval, and as further discussed in Appendix A of this SB, U.S. EPA is requiring US Ecology to extend this financial assurance to closure and post-closure for TSCA purposes as well. A discussion of the closure cost estimate and financial assurance is contained in Section 13, Closure Plan and Financial Assurance, of the Renewal Application and in Attachment 12 of the Renewal Application.

f. Operations Will Not Pose an Unreasonable Risk

In accordance with 40 C.F.R. § 761.65(d)(2)(vi), the operation of the storage units at the Facility will not pose an unreasonable risk of injury to health or the environment. This finding is based on U.S. EPA's evaluation of the Renewal Application, dated January 8, 2010, the PCB Processing Facility Spill Prevention Control and Countermeasures Plan, dated April 2010, a Biological Evaluation, dated February 28, 2012, a Screening Level Ecological Risk Assessment, dated February 28, 2012, and a PCB Surface Soil Sampling Report, dated September 12, 2011. The Biological Evaluation, Screening Level Ecological Risk Assessment, and the PCB Surface Soil Sampling Report are included in the Administrative Record which is available for public review as discussed in Section 3 of this SB.

There are no human health concerns because of the remote desert location of the Facility. PCBs have limited volatility and there is no other reasonably identifiable pathway of exposure to the closest residents, which are about 11 miles away in Beatty, Nevada. Workers at the Facility are protected through the on-site health and safety program. The RCRA Contingency Plan and PCB Processing Facility Spill Prevention Control and Countermeasures Plan contain the procedures and protocols to address any accidental spills of PCBs.

The Screening Level Ecological Risk Assessment, using PCB congener soil sampling results from the southeastern perimeter of the Facility, concluded that there are no significant risks of harm to the environment and wildlife known or expected to occur near the US Ecology Facility. In addition, U.S. EPA has made a determination under the Endangered Species Act that management of PCB wastes at the Facility, as allowed in the Approval, "will not affect" any listed species or designated critical habitat, including the desert tortoise, the only federally listed endangered species or candidate species likely to occur near the US Ecology Facility. U.S. EPA's determination can be found in Appendix B.

g. Compliance History

In accordance with 40 C.F.R. § 761.65(d)(2)(vii), the history of environmental civil violations of US Ecology, its principals, and its key employees does not constitute a sufficient basis for denial of approval in that it does not demonstrate an unwillingness or inability to achieve and maintain compliance with the regulations. This finding is based

on U.S. EPA's evaluation of the information contained in Attachment 16 of the Renewal Application, which discusses the compliance history at the Facility, and the results of the most recent TSCA inspection. The most recent inspection, which was conducted from April 26, 2011 to April 28, 2011, showed that there were only minor TSCA violations regarding labeling that were corrected during the site visit. Other than that, all available evidence demonstrates that the Facility is in compliance with its current Approval and the TSCA PCB regulations at 40 C.F.R. Section 761.

8. Required Regulatory Determinations for Chemical Waste Landfills (40 CFR § 761.75(c)(1) and 40 C.F.R. § 761.75(c)(3)(i))

U.S. EPA has evaluated the Renewal Application including the supporting documents and determined that the requirements contained in 40 C.F.R. § 761.75(c)(1) and 40 C.F.R. § 761.75(c)(3)(i) have been satisfied for the disposal of PCB wastes in the Trench 11 and Trench 12 chemical waste landfills at the US Ecology Facility. U.S. EPA's findings for each requirement are discussed below.

a. Initial Report/Renewal Application

As required in 40 C.F.R. § 761.75(c)(1), the Renewal Application and supporting documents:

- Specify the location of the Trench 11 and Trench 12 chemical waste landfills (Attachment 4 of Renewal Application);
- Include a detailed description of the landfills (Section 4, Chemical Waste Landfill Requirement Compliance, of Renewal Application);
- Describe how the landfills comply with the technical requirements specified in 40 C.F.R. § 761.75(b) (Section 4, Chemical Waste Landfill Requirement Compliance, of the Renewal Application);
- Describe sampling and monitoring equipment (Section 4.5, Groundwater Monitoring and Section 4.6.2, Monitoring of Leachate Collection and Detection System of the Renewal Application);
- Specify the expected waste volumes of PCBs (Section 6, Expected Waste Volumes of PCBs, of the Renewal Application);
- Provide a general description of waste materials other than PCBs that are expected to be disposed of in Trench 11 and Trench 12 (Section 7, Description of Other Wastes, of the Renewal Application);
- Include a Facility Operations Plan (Appendix A of the Renewal Application); and
- List local, State or Federal permits or Approvals (Attachment 11 of the Renewal Application).

b. Technical Requirements for Chemical Waste Landfills (40 C.F.R. § 761.75(b))

As required in 40 C.F.R. § 761.75(c)(3)(i), the Renewal Application and supporting documents, meet the technical requirements contained in 40 C.F.R. § 761.75(b). A detailed breakdown of how the requirements of 40 C.F.R. § 761.75(b) are satisfied is provided in the TSCA Review Checklist for Chemical Waste Landfills (see Appendix C of this SB).

9. Use of Omnibus Provisions at 40 C.F.R. § 761.65(d)(4)(iv) and 40 C.F.R. § 761.75(c)(3)(ii)

The TSCA regulations at 40 C.F.R. § 761.65(d)(4)(iv) and 40 C.F.R. § 761.75(c)(3)(ii) allow U.S. EPA to include other requirements in an approval that the agency finds necessary to ensure that PCB storage and disposal operations at a facility “will not pose an unreasonable risk of injury to health or the environment.”

The proposed Approval for the US Ecology Facility includes use of these provisions to include requirements that are not specifically delineated in the TSCA regulations, but are nonetheless necessary to ensure that operations at the Facility “will not pose an unreasonable risk of injury to health or the environment.” For example, the TSCA regulations for chemical waste landfills at 40 C.F.R. § 761.75 do not include the requirement for a closure plan. U.S. EPA is requiring that the Trench 11 and Trench 12 landfills be included in the Facility Closure Plan using the omnibus regulation at 40 C.F.R. § 761.75(c)(3)(ii).

U.S. EPA’s justification for using the omnibus provisions of 40 C.F.R. § 761.65(d)(4)(iv) and 40 C.F.R. § 761.75(c)(3)(ii) in the US Ecology Approval are provided in Appendix A.

10. Other Requirements

In addition to TSCA and the regulations at 40 C.F.R. § 761.75, U.S. EPA must comply with other requirements prior to proposing and issuing a TSCA Approval (permit) to manage PCB wastes. These other requirements include 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 Renewal Application and its supporting documents and determined that the proposal and issuance of the TSCA Approval for the US Ecology Facility is in compliance with these other requirements as discussed below:

a. Section 106 of the National Historic Preservation Act

Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties, and afford consulting parties and the public reasonable opportunity to comment. The requirements of the NHPA apply to U.S. EPA

for the renewal and modification of the TSCA Approval (permit) for US Ecology to manage PCB wastes at the Facility. The requirements apply because issuance of the Approval is an “undertaking” pursuant to the NHPA.

U.S. EPA sent a letter, dated August 24, 2009 to the Nevada State Historic Preservation Office (“SHPO”) summarizing the information including a map of the APE and requested input on the archeological sensitivity of the proposed project. U.S. EPA’s letter can be found in Appendix D of this SB. In a letter dated September 17, 2009, the SHPO responded to U.S. EPA’s letter and stated that “the SHPO would concur with an U.S. Environmental Protection Agency determination that historic properties will not be affected by the proposed undertaking.” The SHPO letter can be found in Appendix D of this SB.

U.S. EPA also contacted Ms. Tansey Smith, Tribal-State Environmental Liaison for the Inter-Tribal Council of Nevada, to determine if any tribes may have an interest in the Proposed Approval for US Ecology. Ms. Smith suggested U.S. EPA contact the following three tribes: Timbisha Shoshone Tribe, Las Vegas Paiute Tribe and the Moapa Band of Paiute Tribe. U.S. EPA took the following actions to contact the tribes:

1. U.S. EPA representatives spoke by telephone with the Chairman of the Moapa Band of Paiute Tribe and the environmental coordinators for the Timbisha Shoshone Tribe and Las Vegas Paiute Tribe to inform them about the project and let them know that U.S. EPA would be sending them a letter regarding the NHPA process. The Chairman of the Moapa Band of Paiute Tribe was contacted directly since there was no environmental coordinator available.
2. U.S. EPA sent letters, dated May 3, 2012, to the Tribal Chairpersons of each tribe informing them about the Proposed Approval for US Ecology and requesting a Government to Government Tribal Consultation. The letters ask each tribe if they have any information on culturally significant resources that may exist near the project site and if the tribe is interested in pursuing a Consultation under Section 106 of the NHPA. The letters also requested that the tribes let U.S. EPA know if they have any information within 30 days of receipt of the letter.
3. U.S. EPA emailed the Chairman of the Moapa Band of Paiute Tribe and the environmental coordinators for the Timbisha Shoshone Tribe and Las Vegas Paiute Tribe with attached copies of U.S. EPA’s May 3, 2012 letter.
4. U.S. EPA called each tribe approximately two weeks after the letters were mailed and left voice mail messages asking if there were any questions and whether the tribes were interested in the US Ecology project.

The three tribes did not respond to the letter within 30 days or the voice mail messages. U.S. EPA is thus assuming that the Timbisha Shoshone Tribe, Las Vegas Paiute Tribe and the Moapa Band of Paiute Tribe have no interest in the proposed US Ecology Approval. Emails from Tansey Smith to U.S. EPA, U.S. EPA emails to the three tribes, and U.S. EPA's May 3, 2012 letters to each tribe can be found in Appendix D of this SB.

U.S. EPA has determined that historic properties will not be affected by the renewal and modification of the US Ecology TSCA Approval. In making this determination, U.S. EPA evaluated the existing site conditions and nature of the renewal action, and established an "Area of Potential Effects" ("APE") for the undertaking. U.S. EPA also considered that the closest populated area is about 11 miles away from the Facility, that the three closest tribes had no interest in the proposed US Ecology Approval, that all activity takes place on-site, and that portions of Trench 12 landfill were already constructed and receiving hazardous wastes for disposal in accordance with its State RCRA Permit.

U.S. EPA is requesting public comment on its determination that historic properties will not be affected by the renewal and modification of the US Ecology Approval. 36 C.F.R. § 800.2 (d)(2) requires that the implementing agency provide the public with information about an undertaking and its effects on historic properties and seek public comment and input.

b. Environmental Justice

Environmental Justice ("EJ") is one factor that U.S. EPA must consider when taking an action such as making a permit decision. This is established by Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which was issued on February 11, 1994. The goal of the Executive Order is to ensure that all federal agencies identify and address, as appropriate, any disproportionately high and adverse impacts of their programs and activities on minority or low-income groups. In evaluating possible EJ concerns, the key question to consider is whether there is any basis to believe that the operation of the facility pursuing a permit may have a disproportionate impact on a minority or low-income segment of an affected community.

EJ is not a community concern for U.S. EPA's decision regarding the proposed renewal and modification of the TSCA Approval for the US Ecology Nevada Facility. This conclusion is based on demographic information obtained from the Environmental Justice Geographic Assessment Tool ("EJGAT") and on historical records of attendance at public meetings for the hazardous waste management permit for the facility.

Demographic data from the EJGAT indicates that there is no disproportionately high minority or low income populations within a 3-mile radius of the US Ecology facility. See Appendix E for more details on how the EJ determination was made. Moreover, there has been little or no community attendance at public meetings held to obtain comments on RCRA permit actions. EJ issues have also not been raised by the local community and there is no past history of EJ concerns. Appendix E of this SB contains U.S. EPA's "Environmental Justice Considerations for Renewal and Modification of PCB Approval for US Ecology Facility, Beatty, Nevada."

c. Endangered Species Act

Section 7(a)(2) of the Endangered Species Act ("ESA"), 16 U.S.C. § 1536(a)(2), requires all Federal agencies, in consultation with the United States Fish and Wildlife Service ("USFWS"), to insure that any action they carry out, fund, or authorize (such as through a permit) is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

U.S. EPA considers issuance of the Approval as an "action" subject to the ESA. To assist the agency in fulfilling its obligations under Section 7 of the ESA, U.S. EPA required US Ecology to conduct a survey identifying any listed species (e.g., desert tortoise) and designated critical habitat that may be present at or near the Facility, conduct off-site soil sampling for PCB congeners, develop an ecological risk assessment, and develop a biological evaluation.

U.S. EPA has evaluated all of the available information, including the biological evaluation, and determined that the renewal and modification of the TSCA Approval for US Ecology "will not affect" any listed species or designated critical habitat. This "will not affect" determination is based upon the findings of a Screening Level Ecological Risk Assessment, using congener soil sampling results, and a Biological Evaluation that concluded that there are no significant risks or harm to the environment and wildlife known to occur near the US Ecology Facility. The desert tortoise is the only Federally listed endangered species or candidate species likely to occur within the vicinity of the Facility. Accordingly, formal consultation with the USFWS is not required. U.S. EPA's determination can be found in Appendix B.

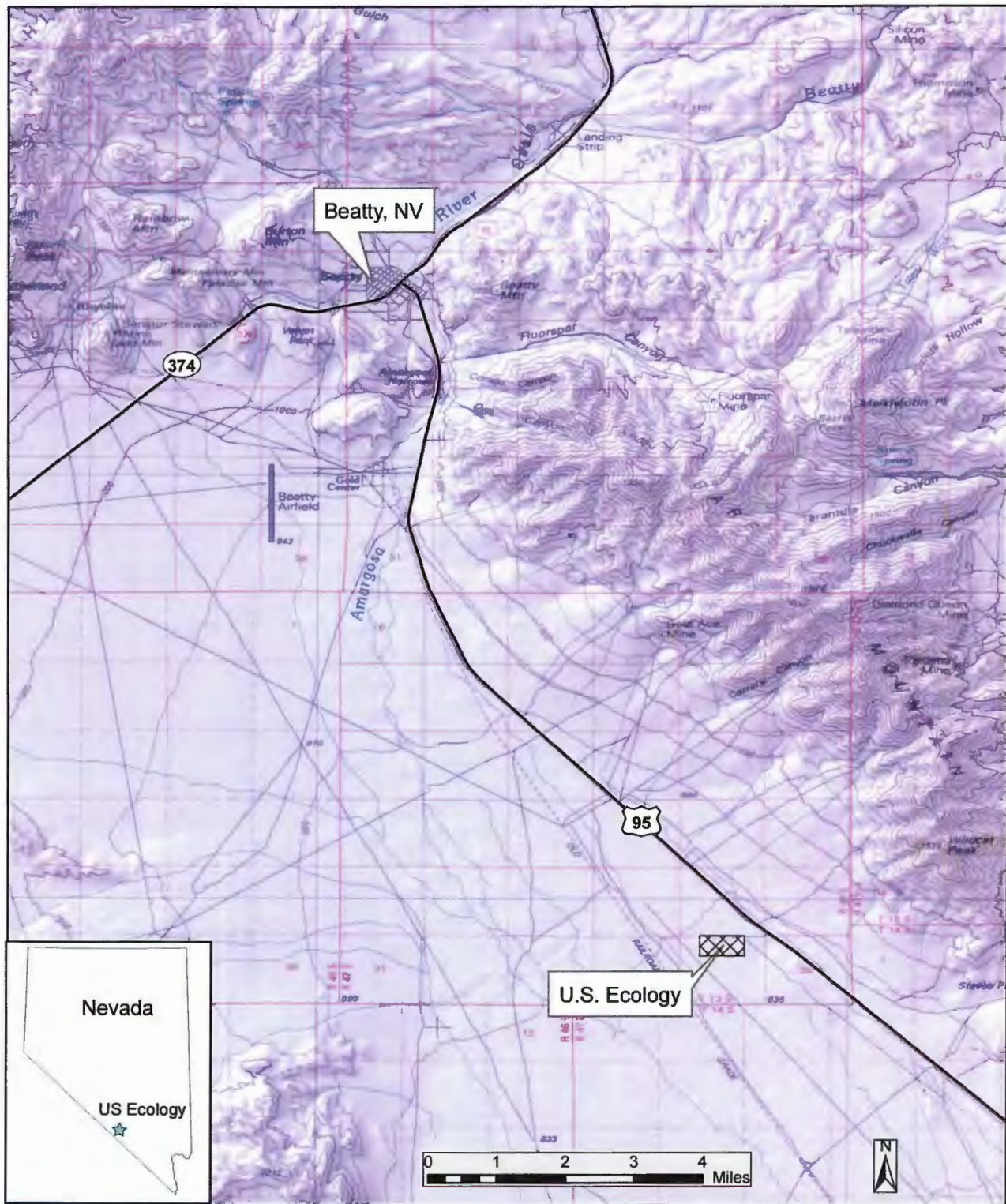


Figure 1. Site Location Map, US Ecology Nevada 7.5' topographic map (Carrara Canyon Quadrangle)

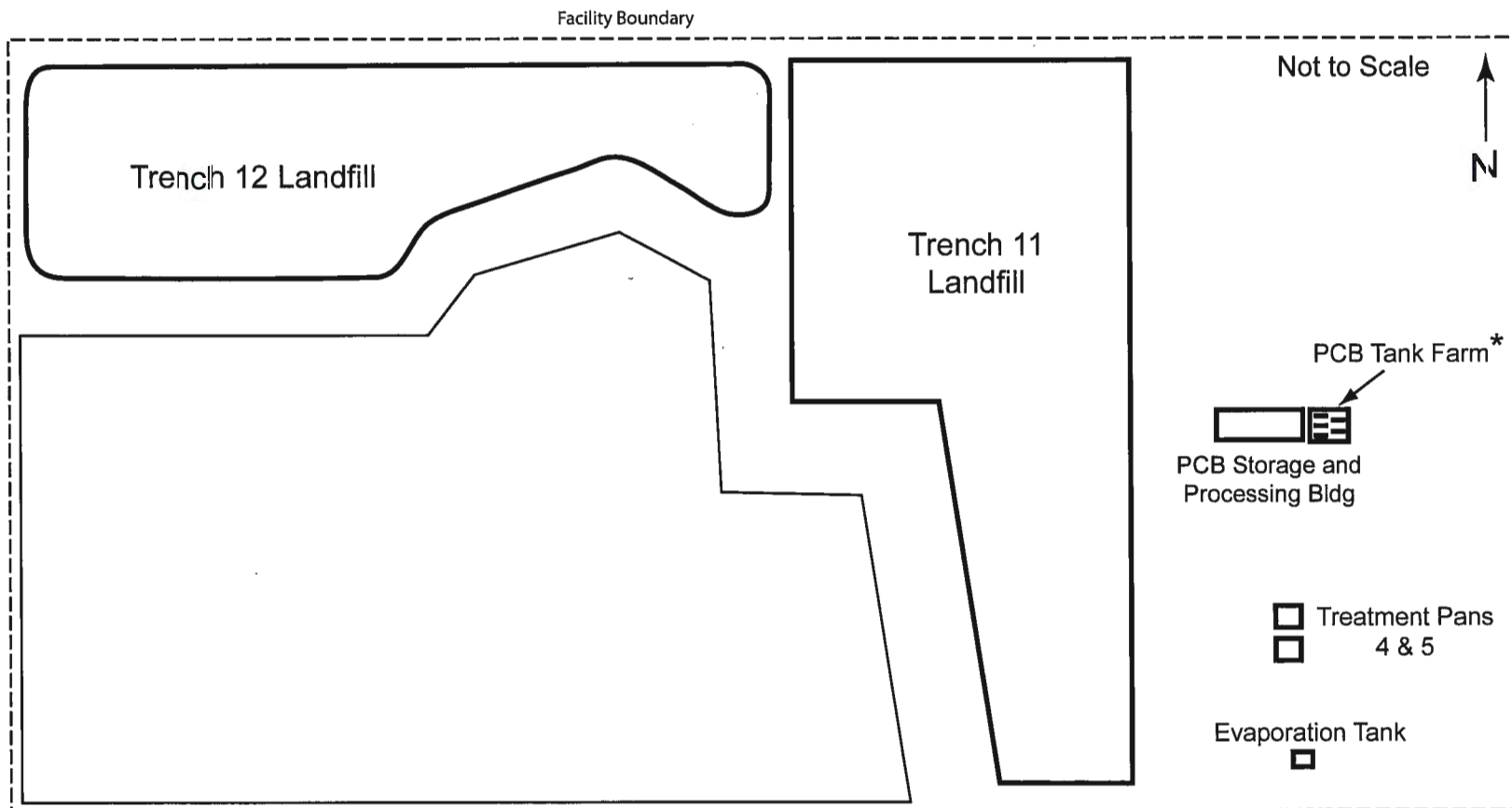


Figure 2. Map of PCB Units Proposed for Approval, US Ecology Nevada

* Approximate Location of Future PCB Tank Truck Loading Pad

Appendix A
Justification for Use of Omnibus Provisions

**U.S. EPA Justification for Use of Omnibus Provisions in Proposed TSCA
Approval for US Ecology Nevada, Inc. to Manage PCB Wastes
July 20, 2012**

The Toxic Substances Control Act (“TSCA”) omnibus provisions are located at 40 C.F.R. § 761.65(d)(4)(iv) and § 761.75(c)(3)(ii). The omnibus provisions allow U.S. EPA to include requirements in a TSCA Approval beyond those explicitly set forth in the regulations when the Agency finds that an Approval Condition is necessary to ensure that PCB storage and disposal operations at a facility “will not pose an unreasonable risk of injury to health or the environment.” U.S. EPA is including in the proposed US Ecology Approval certain conditions not supported by an existing TSCA regulation. For these conditions, U.S. EPA has made a determination that the standards for use of the omnibus provisions are satisfied as follows:

Approval Section	Condition	Justification
IV. General Approval Conditions	IV.B.8 and IV.B.9 (General Requirements)	The Approval requires that the closure plan for all PCB units identify the steps necessary to close each unit in a manner that eliminates the potential for post-closure release of PCBs that may present an unreasonable risk to human health and the environment. The Approval also requires that the post-closure care plan identify the steps necessary to eliminate the potential for releases of PCBs that may present an unreasonable risk to human health and the environment. Continued maintenance of the landfill covers, leachate collection system and groundwater monitoring network is essential for ensuring that the landfills do not release PCBs, which will remain on-site indefinitely, into the environment.
	IV.C.1 and IV.C.2 (Waste Characterization)	The Approval requires waste characterization for all incoming PCB waste and prohibits US Ecology from accepting radioactive PCB waste. Waste characterization is important because it ensures that the correct wastes are being accepted by the Facility and that they will be treated and/or disposed of in the proper manner. Prohibiting acceptance of radioactive PCB waste is important because the Facility is not equipped to handle this type of material.
	IV.D.1 and IV.D.2 (Personnel Training)	The Approval requires employee training, including an 8-hour Occupational Health and Safety Administration (“OSHA”) annual refresher class. Training is important because facility workers must be adequately prepared to safely handle PCB waste or respond to emergencies such as accidental spills.

Approval Section	Condition	Justification
	IV.E.1 and IV.E.2 (Health and Safety Requirements)	The Approval requires that US Ecology follow its Health and Safety Plan, conduct operations in compliance with safety and health standards, and conduct work in accordance with applicable OSHA regulations. Ensuring the health and safety of workers by following the applicable regulations and plans is important especially given the potential harm from persistent exposure to PCBs.
	IV.F.2 through IV. F.17 (Emergency Preparedness and Spill Cleanup)	The Approval requires that US Ecology implement emergency preparedness plans, provide notification to U.S. EPA of PCB spills, and provide written reports of PCB spill incidents. The State RCRA Permit has detailed reporting and notification procedures for hazardous waste spill incidents. The Approval establishes U.S. EPA as a separate regulatory entity with its own jurisdiction over PCBs for requiring development and implementation of the emergency plans and for reporting PCB spills. This independent jurisdiction allows U.S. EPA to ensure that US Ecology complies with the Approval conditions and promptly responds to PCB spills and emergencies in a safe manner.
	IV.G.1 through IV G.3 (Entry and Agency Inspection)	The Approval requires that US Ecology provide copies of records upon request and allow U.S. EPA representatives access to the Facility in order to determine compliance with applicable statutes, regulations and Approval conditions. It is important for U.S. EPA representatives to have access to the Facility and applicable records in order to ensure that operations are conducted in compliance with the Approval and in a manner that does not create an unreasonable risk of injury to human health and the environment.
	IV.H.1 through IV.H.4 (General Inspection Requirements)	The Approval requires that Facility representatives conduct on-site inspections of the PCB storage units and chemical waste landfills. The inspections are important for ensuring that equipment used for communications, fire protection, spill control, decontamination, and groundwater monitoring are in proper working order. They are also critical for identifying potential problems such as leaks that need to be corrected as soon as possible such that they do not create hazardous situations.

Approval Section	Condition	Justification
	IV.I.1 (Security)	The Approval requires operation and maintenance of security systems for the PCB storage units and chemical waste landfills. Security systems need to be maintained in order to prevent unauthorized access by the public to potentially dangerous areas of the Facility.
	IV.J.1 through IV.J.5 (Closure Cost Estimate)	The Approval requires that US Ecology maintain a closure cost estimate for the PCB storage units, PCB treatment for disposal units and for the chemical waste landfills. A closure cost estimate requirement in the Approval is important because it is a key step toward ensuring that there is adequate funding available to close the PCB units under U.S. EPA oversight. Proper closure is critical to ensuring that the units are taken out of service in a manner that prevents possible future releases of PCBs into the environment. Due to the high toxicity and persistence of PCBs, it is important to prevent any releases that could impact ecological and human receptors. US Ecology, as required in its State RCRA Permit, currently maintains a closure cost estimate for the entire Facility.
	IV.K.1 through IV.K.5 (Post-Closure Cost Estimate)	The Approval requires that US Ecology maintain a closure cost estimate for post-closure care of the chemical waste landfills. The post-closure care cost estimate for the landfills is a first step toward ensuring that there is adequate funding available for post-closure care of these units. It is important that there be funding available in order to ensure that the landfill covers, leachate collection systems and groundwater monitoring network remain operable after the units are closed. Since PCBs will remain in the closed landfills indefinitely, it is essential to monitor conditions to ensure that no releases of these compounds are occurring. US Ecology, as required in its State RCRA Permit, currently maintains a post-closure care cost estimate for the Trench 11 and Trench 12 landfills.

Approval Section	Condition	Justification
	IV.L.2 and IV.L.3 (Financial Assurance for Closure and Post-Closure)	The Approval requires that US Ecology maintain financial assurance for the closure of all PCB units and for post-closure care of the Trench 11 and Trench 12 landfills. It is important that funding be maintained for closure and post-closure care in order to ensure that all units that manage PCBs at the US Ecology Facility will be closed and maintained in a manner that prevents possible future releases of these compounds into the environment. Due to the high toxicity and persistence of PCBs, it is important to prevent any releases that could impact ecological and human receptors. US Ecology, as required in its State RCRA Permit, currently maintains financial assurance for the entire Facility.
	IV.M.1 and IV.M.2 (Liability Insurance)	The Approval requires maintenance of the existing liability insurance. Liability insurance is important to ensure proper funding is available for responding to any major accidents involving PCBs or other hazardous waste at the Facility. US Ecology, as required in its State RCRA Permit, currently maintains liability insurance for the entire Facility.
	IV.N.2, IV.N.3, IV.N.5.c, IV.N.5.d and IV.N.5.f (Recordkeeping and Reporting)	The Approval requires implementation of the Recordkeeping and Reporting Plan and some additional information to supplement with what is required in the regulations. Recordkeeping and reporting are important because they allow U.S. EPA to monitor activities at the Facility and check compliance with the Approval. This U.S. EPA oversight ensures that operations are carried out in a manner consistent with the TSCA requirements.
V. Conditions for Storage, Draining and Flushing of PCBs	V.B.2 (Operational and Regulatory Requirements for Storage)	The Approval requires that that US Ecology implement the Facility Operations Plan. Implementation of the Facility Operations Plan is important because it specifies the procedures and protocols for operating the Facility in a manner that does not create an unreasonable risk of injury to human health and the environment.

Approval Section	Condition	Justification
	<p>V.D.2.a and V.D.2.b (Design Requirements for Storage Areas)</p>	<p>The Approval requires that all tanks that hold PCB liquids be elevated and that secondary containment calculations for outdoor tank areas account for precipitation when determining compliance with the regulations. Elevation of the tanks is important so that that any leaks can be easily detected and cleaned-up. Having adequate secondary containment is important to prevent liquids from a leaking tank from overflowing a contained area due to precipitation or other reasons and reaching the environment.</p>
	<p>V.E.2 through V.E.5 (PCB Storage in Containers)</p>	<p>The Approval requires that US Ecology (1) operate and maintain a database system in order to track waste materials throughout the Facility, (2) stack drums no more than two high, (3) maintain a minimum 3 foot aisle space between stored units, and (4) store all containers on pallets. U.S. EPA uses the tracking information to determine compliance with the Approval. The stacking limitation is needed to ensure that drums are not stacked to heights that would be dangerous if drums fell. The 3 foot aisle space is needed to allow for inspection of the containers for possible leaks and to allow access to emergency response personnel. Storing the containers on pallets allows for ease of inspection for detecting possible leaks down low.</p>
	<p>V.F.2 through V.F.4, V.F.6 and V.F.7 (Draining and Flushing of PCBs)</p>	<p>The Approval requires that (1) all flushing and draining of PCB equipment be done in accordance with the procedures contained in the Facility Operations Plan, (2) all flushing and draining operations be conducted within sealed containment areas, (3) US Ecology cleanup and address any accidental spills of PCBs, (4) US Ecology develop and use a written tracking log for flushing and draining operations, and (5) all loading of PCB waste liquids into tanker trucks be done on the PCB Tank Truck Loading Pad (once it is constructed).</p> <p>In order to prevent PCB releases into the environment, it is important that all flushing and draining operations be conducted within sealed containment areas, that all loading of PCB liquids into tanker trucks be done on the PCB Tank Truck Loading Pad, and that any accidental spills are identified and cleaned-up. A tracking log of PCB draining and flushing operations</p>

Approval Section	Condition	Justification
	<p>V.F.2 through V.F.4, V.F.6 and V.F.7 Continued (Draining and Flushing of PCBs)</p>	<p>is critical for ensuring that waste liquids are disposed of within 1 year of the drained items out of service date as required in the TSCA regulations. The high volume of PCB wastes accepted and processed at US Ecology makes these conditions especially important.</p>
	<p>V.G.2 through V.G.5 (PCB Storage in Tanks)</p>	<p>The Approval requires that US Ecology not place liquids into the PCB storage tanks that (1) could damage the tanks and cause them to fail, (2) are incompatible with PCBs and/or (3) could cause an overflow of the tanks and/or containment system. The Approval also requires that the activated carbon filters that receive venting gases from the PCB storage tanks be replaced at least once every three months. These measures are necessary in order to prevent releases of PCBs into the environment.</p>
	<p>V.H.1 and V.H.2 (PCB Storage Container Requirements)</p>	<p>The Approval requires that any container used for the storage of PCBs meet the Department of Transportation requirements described in 40 C.F.R. Parts 171 through 180 and that any PCB storage tank be designed, constructed and operated in accordance with the OSHA Standards at 29 C.F. R. § 1910.106. These measures are necessary in order to prevent releases of PCBs into the environment.</p>
	<p>V.J.1 through V.J.3 (Sampling of PCB Storage and Processing Building)</p>	<p>The Approval requires periodic sampling in and around the PCB Storage and Processing Building, PCB Tank Farm, and PCB Tank Truck Loading Pad (once it has been constructed). This requirement is important because it ensures that accidental releases of PCBs are detected and adequately cleaned up in a timely manner.</p>
	<p>V.K.1 through V.K.3 (Inspection Requirements for PCB Storage Units)</p>	<p>The Approval requires that US Ecology inspect and maintain the PCB storage units. This includes documenting and correcting any deficiencies that are found during the inspection process. The inspection requirements are important to ensure that operations are conducted in a manner consistent with the Approval conditions and in a way that will help to minimize the potential for accidental releases of PCBs.</p>

Approval Section	Condition	Justification
	<p>V.L.2 through V.L.6 (Closure of Storage Units)</p>	<p>The Approval requires that the storage units be closed in accordance with the Facility Closure Plan and that the Facility Closure Plan be updated to reflect current operations prior to implementation. It is important that US Ecology maintain the Closure Plan and that it is consistent with current Facility operations in order to ensure that the storage units are closed in an appropriate and safe manner that will limit the possibility of future PCB releases. The Approval also requires that the State of Nevada, as the Owner of the Facility, perform these closure activities to the extent that US Ecology is unable or unwilling to do so. Since US Ecology and the State of Nevada are the only entities that can access the closure, post-closure financial assurance fund maintained by the State of Nevada, it is important to include the State of Nevada as a co-permittee along with US Ecology for these important functions.</p>
	<p>V.M.1 through V.M.3 (New Secondary Containment System for PCB Tank Farm)</p>	<p>The Approval requires that US Ecology construct a new sealed concrete containment structure for the tank farm and a sealed concrete tank truck loading pad. The new structures are important because they will better limit and contain any accidental spills of PCB liquids. The existing containment area for the PCB tank farm consists of sand with an underlying plastic liner system. The sand makes it difficult to effectively identify and cleanup PCB spills. Currently, because there is no contained area for tanker trucks to load PCB liquids, any accidental spills go directly onto the ground. As evidence of this problem, U.S. EPA recently resolved an enforcement case against US Ecology for PCB releases in the tank farm area and in the location where tanker trucks are parked to receive liquids from the tank farm. These conditions will help ensure that any future PCB releases in these areas will be identified, contained, and prevented from reaching the ground by the concrete pad and cleaned-up in a timely manner such that they will not impact the environment.</p>
	<p>V.N.1 through V.N.3 (Construction Schedule for New Secondary Containment System for PCB Tank Farm and PCB Tank Truck Loading Pad)</p>	<p>These provisions require that the necessary upgrades identified in Conditions V.M.1 through V.M.3 occur as quickly as possible thereby ensuring protectiveness in a timely fashion.</p>

Approval Section	Condition	Justification
VI. Conditions for Treating PCBs	Entire Section VI	<p>The Approval contains conditions for treating PCB containing wastes prior to disposal in a landfill. The conditions include a listing of those wastes authorized for PCB treatment, units where treatment can occur, operational requirements for treatment, inspection requirements, and closure provisions. These requirements are important to ensure that treatment operations are conducted in a safe manner and that the treatment units are closed properly to minimize the chance of future PCB releases into the environment. While there are no TSCA requirements to regulate such treatment activities in 40 C.F.R. § 761.65 and § 761.75, RCRA regulations require treatment for some types of PCB containing wastes prior to disposal in a landfill. These wastes are hazardous by toxicity characteristic for metals under RCRA and are also TSCA regulated for PCBs. US Ecology conducts such treatment of PCB for disposal operations at its stabilization units (treatment pans) consistent with the RCRA requirements. These provisions align RCRA treatment provisions with TSCA requirements. The Approval also requires that the State of Nevada, as the Owner of the Facility, perform closure activities to the extent that US Ecology is unable or unwilling to do so. Since US Ecology and the State of Nevada are the only entities that can access the closure, post-closure financial assurance fund maintained by the State of Nevada, it is important to include the State of Nevada as a co-permittee along with US Ecology for these important functions.</p>

Approval Section	Condition	Justification
VII. Conditions for Landfill Disposal of PCBs	VII.B.2 through VII.B.5 (Approved Landfill Units and Maximum Disposal Capacities)	<p>The Approval (1) specifies the maximum allowable disposal capacity for the Trench 11 and Trench 12 landfills, (2) requires that US Ecology submit an annual report to U.S. EPA that specifies the amount of remaining disposal capacity for each landfill, and (3) requires that US Ecology construct the second and third phases of the Trench 12 landfill in accordance with the existing plans and specifications that have already been reviewed by U.S. EPA and formally approved in the State RCRA Permit.</p> <p>It is important that the Approval limit maximum disposal capacity such that excessive and unsafe amounts of PCB wastes are not disposed of in the landfills. This ensures that the potential for PCB releases to the environment are minimized by not overfilling the Trench 11 and Trench 12 landfills. In order to properly oversee PCB operations at the US Ecology Facility, U.S. EPA must be informed about the remaining disposal capacity in each of the operating landfills, and therefore the Approval contains the Conditions for annual capacity status reports. To ensure that Trench 12 is constructed in a properly engineered manner to optimally contain PCBs within the landfill into the future, it is important that US Ecology complete construction in accordance with the approved plans and specifications.</p>
	VII.D.2 and VII.D.5 (Disposal Prohibitions)	<p>The Approval prohibits the disposal of liquids in the Trench 11 and Trench 12 landfills and requires that the disposal of mixed RCRA and TSCA waste must meet the regulatory requirements of both programs. Disposal of liquids in a landfill creates the potential for excessive generation of leachate which in turn causes elevated hydraulic pressure on the protective liner system. The elevated hydraulic pressure could then cause leaks in the liner system to develop thus releasing PCBs into the environment. US Ecology must also comply with the regulations for disposal of mixed RCRA and TSCA wastes, further ensuring that all regulatory requirements are being met.</p>

Approval Section	Condition	Justification
	<p>VII.E.2, VII.E.7, VII.E.8, VII.E.9 and VII.E.11 (Landfill Operations and Management of Wastes)</p>	<p>The Approval requires that US Ecology (1) implement the Facility Operations Plan procedures and protocols for operating the landfills, (2) maintain roads to and within the landfills that are adequate to support landfill operations, (3) cover and manage the landfill to control wind dispersal of particulate matter, and (4) dispose of other non-liquid, non-PCB wastes in Trench 11 and/or Trench 12 in accordance with its State RCRA Permit and the RCRA regulations. The Approval also allows US Ecology, if certain criteria are satisfied, to use leachate from Trench 11 and Trench 12 for dust suppression within the active portions of the landfills.</p> <p>It is important for safe operation of the Trench 11 and Trench 12 landfills that US Ecology follow the approved procedures contained in the Facility Operations Plan, control dispersal of particulate matter using daily cover and dust suppression, and maintain the roads into and within the landfills. These Approval requirements will help ensure that PCB releases will not occur during the intra-Facility processing, movement and ultimate disposal of PCB wastes. Given that some of these wastes have not yet been placed in the landfill, these activities represent a higher level of concern for potential releases of PCBs.</p> <p>The Approval allows, if certain criteria are satisfied, US Ecology to use leachate for dust suppression within the landfills. TSCA at 40 C.F.R. § 761.30 (u)(3) allows liquids with concentrations of PCBs of 0.5 ug/L or less to be used without restriction. The criteria include provisions for (1) testing the leachate, (2) reporting the testing results, and (3) restricting dust suppression activities to the active portions of the landfills after the test results confirm that PCB concentrations are 0.5 ug/L or less. Testing is important because it ensures that the leachate contains PCBs at or below a concentration of 0.5 ug/L, which is protective of site workers since it corresponds to the Maximum Contaminant Level (“MCL”) for PCBs in drinking water. Requiring that leachate can only be applied on active portions of the landfills ensures that it is used on areas that are already impacted by waste materials and will not contaminate other locations. Reporting the test results is essential for proper U.S. EPA oversight of PCB operations at the Facility.</p>

Approval Section	Condition	Justification
	<p>VII.F.4 through VII.F.8 (Groundwater Monitoring)</p>	<p>The Approval requires that US Ecology (1) report to U.S. EPA any detections in groundwater of PCBs and/or volatile organic compounds (VOCs) above drinking water standards, (2) address any reported detections by implementing the compliance monitoring and corrective action procedures of the State RCRA Permit, (3) maintain the groundwater monitoring wells in accordance with the State RCRA Permit, (4) install or decommission groundwater monitoring wells following the procedures in the State RCRA Permit, and (5) submit two groundwater monitoring reports per year to U.S. EPA. It is important for US Ecology to address any detections of PCBs and/or VOCs above drinking water concentrations in the groundwater by implementing the compliance monitoring and corrective action procedures of the State RCRA permit. VOCs are included in this provision because the groundwater provisions of the TSCA regulations require that VOCs be monitored in addition to PCBs. Maintenance of the groundwater monitoring wells is important to ensure that they are in good working order and able to detect any PCB and/or VOC releases from the Facility. Installation or decommissioning of wells must follow the proper procedures in order to ensure that new wells are capable of obtaining representative groundwater samples and decommissioned wells are removed without causing any contamination of the groundwater. Notification of PCB and/or VOC detections in groundwater and submission of two groundwater monitoring reports per year is essential for proper U.S. EPA oversight of PCB operations at the Facility regarding releases to groundwater.</p>

Approval Section	Condition	Justification
	<p>VII.G.2.a through VII.G.2.i, and VII.G.3.c through VII.G.3.e (Leachate Management, Monitoring, Sampling and Disposal)</p>	<p>The Approval requires that US Ecology (1) operate the leachate collection and detection systems in accordance with the respective Response Action Plans (RAPs) for the Trench 11 and Trench 12 landfills, (2) operate the landfill leachate collection and detection systems without fluid levels on any liner exceeding one foot, (3) monitor the leachate fluid levels on all liners, (4) pump all pumpable liquids from the leachate collection and detection sumps in accordance the respective RAP, (5) maintain records of the leachate levels and volumes pumped and include this information in reports to U.S. EPA, (6) notify U.S. EPA in writing if levels of leachate exceed the Action Leakage Rate (ALR) or are greater than one foot, (7) follow applicable procedures in the Environmental Monitoring Plan for sampling leachate, and (8) include leachate sampling data results in the Environmental Monitoring Reports that are submitted to U. S. EPA twice per year.</p> <p>Release of PCBs through leachate represents one of the pathways of highest risk in regard to contamination of groundwater resources. Implementation of the Response Action Plans for the Trench 11 and Trench 12 landfills is important because they specify the procedures and protocols for operating the leachate collection and detection systems in a manner that best ensures no releases of PCBs to groundwater. Monitoring the leachate fluid levels, meeting the ALR and limiting the leachate fluid levels to a maximum of 1 foot is important to ensure that excessive hydraulic pressure does not build up on the protective landfill liner systems which could cause them to fail.</p> <p>Maintaining records of the leachate levels and volumes pumped and requiring written agency notification if excessive levels of leachate build up is important for safe operation of the landfills and for proper U.S. EPA oversight.</p>

Approval Section	Condition	Justification
	<p>VII.H.1 through VII.H.5 (Inspection Requirements for Landfill Units)</p>	<p>The Approval requires that US Ecology (1) inspect the Trench 11 and Trench 12 landfills in accordance with the Facility Operations Plan and Facility Inspection Plan, (2) inspect the landfills within 24 hours of a storm event of 0.25 inches or greater, (3) evaluate and address all deficiencies identified during the required inspections, and (4) document the findings and follow-up responses for all inspections of the landfills.</p> <p>Routine inspection of the landfills is essential for identifying potential problems that need to be addressed. Correcting problems that are identified during an inspection is important for ensuring that the landfills are operated in a safe and effective manner that minimizes the potential for PCB releases into the environment. The Facility Operations Plan and Facility Inspection Plan are important because they specify the procedures and protocols for inspecting the landfills, correcting problems that are identified and documenting the findings. Documentation of internal inspections of the landfills is critical for ensuring that potential problems are addressed and for U.S. EPA oversight.</p>
	<p>VII.I.1 through VII.I.7 (Closure of Landfill Units)</p>	<p>The Approval requires that the Trench 11 and Trench 12 landfills be closed in accordance with the Facility Closure Plan and that the Facility Closure Plan be updated to reflect current operations prior to implementation. It is important that the Facility Closure Plan be consistent with current Facility operations and be implemented in order to ensure that the landfill units are closed in a safe manner that will limit the possibility of future PCB releases. The TSCA regulations at 40 C.F.R. § 761.75 do not explicitly include requirements for the closure of chemical waste landfills. The Approval also requires that the State of Nevada, as the Owner of the Facility, perform these closure activities to the extent that US Ecology is unable or unwilling to do so. Since US Ecology and the State of Nevada are the only entities that can access the closure, post-closure financial assurance fund maintained by the State of Nevada, it is important to include the State of Nevada as a co-permittee along with US Ecology for these important functions.</p>

Approval Section	Condition	Justification
	<p>VII.J.1 through VII.J.10 (Post-Closure Care for Landfill Units)</p>	<p>The Approval requires post-closure care for the Trench 11 and Trench 12 landfills through implementation of the Post-Closure Care Plan. Post-closure care begins after the landfills are capped and certified closed. Post-closure care is important to ensure that the closed landfills are adequately maintained into the future. Continued maintenance of the landfill covers, leachate collection system and groundwater monitoring network is essential for ensuring that the landfills do not release PCBs, which will remain on-site indefinitely, into the environment. The Approval also requires that the State of Nevada, as the Owner of the Facility, perform these post-closure care activities to the extent that US Ecology is unable or unwilling to do so. Since US Ecology and the State of Nevada are the only entities that can access the closure, post-closure financial assurance fund maintained by the State of Nevada, it is important to include the State of Nevada as a co-permittee along with US Ecology for these important functions.</p>
<p>VIII. Procedures to Modify, Transfer, Revoke, Suspend, Deny, Continue or Renew</p>	<p>Entire Section VIII</p>	<p>The Approval specifies the administrative procedures to modify, transfer, revoke, suspend, deny, continue or renew the Approval. These procedures are important because they enhance U.S. EPA's ability to oversee Facility operations and ensure that US Ecology is in compliance with the Approval. These procedures are also necessary to allow the modification or adjustment of the Approval to address issues that may occur during future operations (e.g., need for a modification to include a new unit). To be maximally protective, the terms and conditions of the Approval should reflect the most current configuration and operation of the Facility. Also, the ability to revoke or deny the Approval is necessary in case the Facility or its operations is ever determined to pose an unreasonable risk and operations must be terminated at the site. Finally, while the TSCA regulations at 40 C.F.R. § 761.65 and § 761.75 do not explicitly include terms covering how to modify, transfer, revoke, suspend, deny, or renew the Approval, U.S. EPA interprets its authority under these provisions to issue an Approval as also providing authority to undertake these associated permit processing actions.</p>

Appendix B

U.S. EPA Endangered Species Act Determination of “No Effect” for Renewal and Modification of PCB Approval for the US Ecology Facility, Beatty, Nevada



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 9

75 Hawthorne Street
San Francisco, CA 94105-3901

April 16, 2012

MEMORANDUM

SUBJECT: EPA Endangered Species Act Determinations for US Ecology Beatty, Nevada Facility TSCA Approval Renewal Application

FROM: John Beach
Environmental Scientist

TO: The Record

This memorandum presents EPA Region 9's determinations under Section 7 of the Endangered Species Act (ESA), 16 U.S.C. Section 1536, with respect to U.S. Ecology's application for renewal and modification of its Toxic Substances Control Act (TSCA) Approval for its Beatty, Nevada facility. EPA has completed its analysis in accordance with Section 7 and the implementing regulations at 50 C.F.R. Part 402, using the best scientific and commercial data available.

I. Background

EPA is evaluating U.S. Ecology's January 2010 application for renewal and modification of the TSCA Polychlorinated Biphenyl (PCB) Approval for the subject facility. EPA's contemplated action addressed by this determination is the issuance of that requested approval. As described in the January 2010 application, the facility is used to store, handle and dispose of PCB transformers and other PCB-containing items and to store and handle PCB liquids.

II. Review of Best Scientific and Commercial Data Available to Assess Potential Effects on Listed Species

At EPA's request, U.S. Ecology prepared a Biological Evaluation dated February 28, 2012 to provide EPA with information necessary to assist the agency in satisfying its obligations under Section 7 of the ESA. Also at EPA's request, the facility prepared a Soil Sampling Report dated September 12, 2011 and, based on the results of the sampling, completed an Ecological Risk Assessment (dated February 28, 2012) that evaluated the potential impacts of facility operations on the environment, including endangered species. I have also visited the facility, inspected the surrounding area,

and observed a portion of the Endangered Species Field Survey performed in August, 2009 and documented in a final report dated September 28, 2009.

The Biological Evaluation included:

- A description of current and proposed future facility conditions and operations.
- Correspondence with the US Fish and Wildlife Service, including current lists of species that have been listed as Threatened and Endangered Species under the ESA and their designated critical habitat,
- A report documenting the results of a field survey of the area surrounding the facility to identify any listed species that might occur in the area.
- A review of the the Ecological Risk Assessment to identify any potential impacts to threatened or endangered species.
- A review of available information and literature on potential listed species and designated critical habitat in the area, including the desert tortoise (a threatened species).
- An analysis of the potential effects of the proposed action on listed species and designated critical habitat.
- A list of all references.

I have reviewed the Biological Evaluation, Soil Sampling Report, Endangered Species Field Survey, and Ecological Risk Assessment (including all attachments) and have recommended that EPA accept the final versions of all four documents. I have also reviewed the 2008 USFWS draft revised recovery plan for the desert tortoise as it pertains to the proposed action and potential effects on listed species and designated critical habitat.

III. Conclusions

Based on my review of the Biological Evaluation, Soil Sampling Report, Endangered Species Field Survey, Ecological Risk Assessment and other available information, I have concluded that:

- No listed species, including the desert tortoise, or designated critical habitat are currently present at or near the facility.
- No sign of the desert tortoise has been observed in the area.
- The PCBs that have been detected in soils near the facility are not present at concentrations that might harm any listed species, should they be present near the facility.
- Ongoing facility operations, including those proposed for the TSCA approval, will not result in any changes to habitat at or near the facility, including PCB concentrations in off-site soils

Memorandum from John Beach to File
Subject: EPA Endangered Species Act Determinations for US Ecology Beatty, Nevada Facility TSCA
Approval Renewal Application
April 16, 2012, Page 3

Accordingly, I have determined that the proposed facility operations under the TSCA PCB approval will have no effect on listed species or designated critical habitat.

With this determination, EPA has fulfilled its obligation under Section 7 of the ESA and 50 C.F.R. Section 402.14(a) pertinent to the action considered and, accordingly, does not need to consult with the US Fish and Wildlife Service .

Appendix C

U.S. EPA TSCA Review Checklist for Chemical Waste Landfills

Review Checklist
US Ecology Nevada - January 8, 2010 Permit Renewal Application
Toxic Substances Control Act Requirements
Chemical Waste Landfills

Prepared by
U.S. Environmental Protection Agency, Region 9
July 20, 2012

This Checklist documents how US Ecology Nevada, Inc.'s application to renew and modify its Approval (permit) to dispose of PCBs in a chemical waste landfill meets the requirements of the Toxic Substances Control Act ("TSCA") regulations at 40 C.F.R. Part 761.75. It is based on U.S. EPA's review of the renewal application, titled "Toxic Substances Control Act (TSCA) Permit Renewal Application, US Ecology Nevada, January 8, 2010" as revised on September 24, 2010, February 9, 2011, May 17, 2011 and December 15, 2011 (collectively the "Renewal Application"). This Checklist identifies if the required information is present (completeness), whether the information is acceptable, and where the information can be found in the Renewal Application.

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
General	761.75 (a) A chemical waste landfill used for the disposal of PCBs and PCB Items shall be approved by the Agency Regional Administrator pursuant to paragraph (c) of this section. The landfill shall meet all of the requirements specified in paragraph (b) of this section, unless a waiver from these requirements is obtained pursuant to paragraph (c)(4) of this section. In addition, the landfill shall meet any other requirements that may be prescribed pursuant to paragraph (c)(3) of this section.	Yes	Yes	Requirements noted and satisfied - see below.
Technical Requirements	761.75(b) Requirements for chemical waste landfills used for the disposal of PCBs and PCB Items are as follows:	See below	See below	

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Soils	<p>761.75(b)(1)</p> <p>The landfill site shall be located in thick, relatively impermeable formations such as large-area clay pans. Where this is not possible, the soil shall have a high clay and silt content with the following parameters:</p> <ul style="list-style-type: none"> (i) In-place soil thickness, 4 feet or compacted soil liner thickness, 3 feet; (ii) Permeability (cm/sec), equal to or less than 1×10^{-7}; (iii) Percent soil passing No. 200 Sieve, >30; (iv) Liquid Limit, >30; and (v) Plasticity Index >15 	Not Applicable	Not Applicable	See response to 761.75(b)(2) below.
Synthetic Membrane Liners	<p>761.75(b)(2)</p> <p>Synthetic membrane liners shall be used when, in the judgment of the Regional Administrator, the hydrologic or geologic conditions at the landfill require such a liner in order to provide at least a permeability equivalent to the soils in paragraph (b)(1) of this section. Whenever a synthetic liner is used at a landfill site, special precautions shall be taken to insure that its integrity is maintained and that it is chemically compatible with PCBs. Adequate soil underlining and soil cover shall be provided to prevent excessive stress on the liner and to prevent rupture of the liner. The liner must have a minimum thickness of 30 mils.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Sections 4.0 (a) and (b), pages 10 -13 (pages dated 2/11).</p> <p>Trench 11 - Flexible Membrane Liner/composite double liner system with leachate collection system- has thickness of greater than 30 mils - has permeability of less than 1×10^{-7} cm/sec.</p> <p>Trench 12 - Bottom and sidewall liner system with primary and secondary liner and leachate collection system - has thickness of greater than 30 mils -- has permeability of less than 1×10^{-7} cm/sec.</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Hydrologic conditions	<p>761.75(b)(3)</p> <p>The bottom of the landfill shall be above the historical high groundwater table as provided below. Floodplains, shorelands, and groundwater recharge areas shall be avoided. There shall be no hydraulic connection between the site and standing or flowing surface water. The site shall have monitoring wells and leachate collection. The bottom of the landfill liner system or natural in-place soil barrier shall be at least fifty feet from the historical high water table.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 4.2, page 14, Section 4.5, page 19, Section 4.6 page 23 (pages dated 2/11).</p> <p>Not located in floodplain.</p> <p>Not in area providing recharge to groundwater.</p> <p>Bottom of Trench 12 approx. 190 feet above first groundwater.</p> <p>No hydraulic connection between site and surface water.</p> <p>No surface water within several miles of facility.</p> <p>Has groundwater monitoring system and leachate collection.</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Flood Protection	<p>761.75(b)(4)</p> <p>(i) If the landfill site is below the 100-year floodwater elevation, the operator shall provide surface water diversion dikes around the perimeter of the landfill site with a minimum height equal to two feet above the 100-year floodwater elevation.</p> <p>(ii) If the landfill site is above the 100-year floodwater elevation, the operators shall provide diversion structures capable of diverting all of the surface water runoff from a 24-hour, 25-year storm.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 4.3, page 17 (pages dated 2/11).</p> <p>Facility located above 100 year flood water elevation.</p> <p>Run-on control - system of ditches diverts water from drainage areas to bypass facility - system designed to handle runoff from 25 year, 24 hour storm event.</p>
Topography	<p>761.75(b)(5)</p> <p>The landfill site shall be located in an area of low to moderate relief to minimize erosion and to help prevent landslides or slumping.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 4.4, page 19 (page dated 2/11) and Attachment 4.</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
<p>Monitoring systems</p> <p>Water sampling</p>	<p>761.75(b)(6)(i)</p> <p>(A) For all sites receiving PCBs, the ground and surface water from the disposal site area shall be sampled prior to commencing operations under an approval provided in paragraph (c) of this section for use as baseline data.</p> <p>(B) Any surface watercourse designated by the Regional Administrator using the authority provided in paragraph (c)(3)(ii) of this section shall be sampled at least monthly when the landfill is being used for disposal operations.</p> <p>(C) Any surface watercourse designated by the Regional Administrator using the authority provided in paragraph (c)(3)(ii) of this section shall be sampled for a time period specified by the Regional Administrator on a frequency of no less than once every six months after final closure of the disposal area.</p>	<p>Yes</p>	<p>Yes</p>	<p>Location: Permit Renewal Application 01/08/10 - Section 4.5 pages 19 - 23 (page dated 2/11) and Attachment 17, Environmental Monitoring Plan.</p> <p>Statistical analysis of groundwater monitoring data are used to determine if there has been a release.</p> <p>No surface water within several miles of facility.</p>
<p>Monitoring systems</p> <p>Groundwater monitoring wells</p>	<p>761.75(b)(6)(ii)</p> <p>(A) If underlying earth materials are homogenous, impermeable, and uniformly sloping in one direction, only three sampling points shall be necessary. These three points shall be equally spaced on a line through the center of the disposal area and extending from the area of highest water table elevation to the area of the lowest water table elevation on the property.</p> <p>(B) All monitor wells shall be cased and the annular space between the monitor zone (zone of saturation) and the surface shall be completely backfilled with Portland cement or an equivalent material and plugged with Portland cement to effectively prevent percolation of surface water into the well bore. The well opening at the surface shall have a removable cap to provide access and to prevent entrance of rainfall or stormwater runoff. The well shall be pumped to remove the volume of liquid initially contained in the well before obtaining a sample for analysis. The discharge shall be treated to meet applicable State or Federal discharge standards or recycled to the chemical waste landfill.</p>	<p>Yes</p>	<p>Yes</p>	<p>Location: Permit Renewal Application 01/08/10 , Section 4.5, pages 19 - 23 (pages dated 2/11), Attachment 15, Subsurface Profile and Well Construction Report, Attachment 17, Environmental Monitoring Plan, and Appendix A, Operations Plan, dated February 2011, Revision 3, Section 9.0, page 9-1.</p> <p>18 wells in upper aquifer.</p> <p>5 wells in lower aquifer (not monitored).</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
<p>Monitoring systems Water analysis</p>	<p>761.75(b)(6)(iii) As a minimum, all samples shall be analyzed for the following parameters, and all data and records of the sampling and analysis shall be maintained as required in §761.180(d)(1). Sampling methods and analytical procedures for these parameters shall comply with those specified in 40 CFR part 136 as amended in 41 FR 52779 on December 1, 1976.</p> <p>(A) PCBs (B) pH (C) Specific conductance (D) Chlorinated organics</p>	<p>Yes</p>	<p>Yes</p>	<p>Location: Permit Renewal Application 01/08/10 - Section 4.5.3 pages 22-23 (page dated 2/11), Attachment 17, Environmental Monitoring Plan, Appendix A, Operations Plan, dated February 2011, Revision 3, Section 9.0, page 9-1, and Appendix A, Operations Plan, dated February 2011, Revision 3, Attachment 5, Recordkeeping and Reporting Plan.</p> <p>PCBs, pH, specific conductance and chlorinated organics included in quarterly groundwater monitoring protocol. Monitoring data will be maintained at the facility for at least 20 years after chemical waste landfill is no longer used as required in 40 C.F.R. § 761.18(d)(1).</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
<p>Monitoring systems Leachate collection</p>	<p>761.75(b)(7) A leachate collection monitoring system shall be installed above the chemical waste landfill. Leachate collection systems shall be monitored monthly for quantity and physicochemical characteristics of leachate produced. The leachate should be either treated to acceptable limits for discharge in accordance with a State or Federal permit or disposed of by another State or Federally approved method. Water analysis shall be conducted as provided in paragraph (b)(6)(iii) of this section. Acceptable leachate monitoring/ collection systems shall be any of the following designs, unless a waiver is obtained pursuant to paragraph (c)(4) of this section.</p>	<p>Yes</p>	<p>Yes</p>	<p>Location: Permit Renewal Application 01/08/10 - Section 4.6 pages 23 - 25 (page dated 2/11), Attachment 5, Response Action Plan, Attachment 17, Environmental Monitoring Plan, Appendix A, Operations Plan, dated February 2011, Revision 3, Section 10.0, page 10-1, and Appendix A, Operations Plan, dated February 2011, Revision 3, Attachment 5, Recordkeeping and Reporting Plan.</p>
<p>Monitoring systems Simple leachate collection</p>	<p>761.75(b)(7)(i) This system consists of a gravity flow drainfield installed above the waste disposal unit liner. This design is recommended for use when semi-solid or leachable solid wastes are placed in a lined pit excavated into a relatively thick, unsaturated, homogenous layer of low permeability soil.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>	<p>Not used at the US Ecology facility.</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
<p>Monitoring systems Compound leachate collection</p>	<p>761.75(b)(7)(ii) This system consists of a gravity flow drainfield installed above the waste disposal unit liner and above a secondary installed liner. This design is recommended for use when semi-liquid or leachable solid wastes are placed in a lined pit excavated into relatively permeable soil.</p>	<p>Yes</p>	<p>Yes</p>	<p>Location: Permit Renewal Application 01/08/10 - Section 4.6 pages 23 - 25 (page dated 2/11) and Appendix A, Operations Plan, dated February 2011, Revision 3, Section 10, page 10-1. Primary and secondary leachate collection systems. Schematic drawing showing design of liner and leachate collection system for Trenches 11 and 12. Included in Response Action Plan.</p>
<p>Monitoring systems Suction lysimeters</p>	<p>761.75(b)(7)(iii) This system consists of a network of porous ceramic cups connected by hoses/tubing to a vacuum pump. The porous ceramic cups or suction lysimeters are installed along the sides and under the bottom of the waste disposal unit liner. This type of system works best when installed in a relatively permeable unsaturated soil immediately adjacent to the bottom and/or sides of the disposal facility.</p>	<p>Not Applicable</p>	<p>Not Applicable</p>	<p>Not used at the US Ecology facility.</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Prevent damage to containers or articles	<p>761.75(b)(8)</p> <p>(i) PCBs and PCB Items shall be placed in a landfill in a manner that will prevent damage to containers or articles.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 3.4.2, page 8 (page dated 2/11) and Appendix A, Operations Plan, dated February 2011, Revision 3, Section 4.1, page 4-2.</p>
Segregate incompatible waste	<p>761.75(b)(8)</p> <p>(i) Other wastes placed in the landfill that are not chemically compatible with PCBs and PCB Items including organic solvents shall be segregated from the PCBs throughout the waste handling and disposal process.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 3.4.2, page 8 (page dated 2/11) and Appendix A, Operations Plan, dated February 2011, Revision 3, Section 4.0, page 4-1.</p>
Operation plan	<p>761.75(b)(8)</p> <p>(ii) An operation plan shall be developed and submitted to the Regional Administrator for approval as required in paragraph (c) of this section. This plan shall include detailed explanations of the procedures to be used for recordkeeping, surface water handling procedures, excavation and backfilling, waste segregation burial coordinates, vehicle and equipment movement, use of roadways, leachate collection systems, sampling and monitoring procedures, monitoring wells, environmental emergency contingency plans, and security measures to protect against vandalism and unauthorized waste placements. EPA guidelines entitled "Thermal Processing and Land Disposal of Solid Waste" (39 FR 29337, Aug. 14, 1974) are a useful reference in preparation of this plan.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 4.7, page 25 (page dated 2/11) and Appendix A, Operations Plan, dated February 2011, Revision 3.</p> <p>An operations plan is provided that addresses the items listed in 761.75(b)(8).</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Excavation and backfilling	761.75(b)(8) (ii) Excavation and backfilling.	Yes	Yes	Location: Permit Renewal Application 01/08/10 - Appendix A - Operations Plan, dated February 2011, Revision 3, Section 4.6, page 4-10.
Waste coordinates	761.75(b)(8) (ii) Waste segregation burial coordinates.	Yes	Yes	Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3, Section 5, page 5-1 and Attachment 6.
Vehicle movement and roadway use	761.75(b)(8) (ii) Vehicle and equipment movement, roadway use.	Yes	Yes	Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3, Section 11, page 11-1.

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Contingency plans	761.75(b)(8) (ii) Environmental emergency contingency plans.	Yes	Yes	Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3, Section 13, page 13-1 and Attachment 10 (contingency plan).
Security	761.75(b)(8) (ii) Security measures to protect against vandalism and unauthorized waste placement.	Yes	Yes	Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3, Section 2, page 2-1.
Disposal of liquid waste	761.75(b)(8) (ii) If the facility is to be used to dispose of liquid wastes containing between 50 ppm and 500 ppm PCB, the operations plan must include procedures to determine that liquid PCBs to be disposed of at the landfill do not exceed 500 ppm PCB and measures to prevent the migration of PCBs from the landfill. Bulk liquids not exceeding 500 ppm PCBs may be disposed of provided such waste is pretreated and/or stabilized (e.g., chemically fixed, evaporated, mixed with dry inert absorbent) to reduce its liquid content or increase its solid content so that a non-flowing consistency is achieved to eliminate the presence of free liquids prior to final disposal in a landfill. PCB Container of liquid PCBs with a concentration between 50 and 500 ppm PCB may be disposed of if each container is surrounded by an amount of inert absorbent material capable of absorbing all of the liquid contents of the container.	Yes	Yes	Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3, Section 3, pages 3-3 through 3-7 and Section 4.1, page 4-2.

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Ignitable wastes	<p>761.75(b)(8)</p> <p>(iii) Ignitable wastes shall not be disposed of in chemical waste landfills. Liquid ignitable wastes are wastes that have a flash point less than 60 degrees C (140 degrees F) as determined by the following method or an equivalent method: Flash point of liquids shall be determined by a Pensky-Martens Closed Cup Tester, using the protocol specified in ASTM D 93-90, or the Setaflash Closed Tester using the protocol specified in ASTM Standard D-3278-89.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 7, page 29, Appendix A, Operations Plan, dated February 2011, Revision 3, Section 3, page 3-1.</p>
Record of operation	<p>761.75(b)(8)</p> <p>(iv) Records shall be maintained for all PCB disposal operations and shall include information on the PCB concentration in liquid wastes and the three dimensional burial coordinates for PCBs and PCB Items. Additional records shall be developed and maintained as required in Sec. 761.180.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3, Section 12, page 12-1 and Attachment 5 (Recordkeeping and Reporting Plan).</p> <p>See also the checklist for Recordkeeping and Reporting.</p>
Record of waste coordinates	<p>761.75(b)(8)</p> <p>(iv) Records shall be maintained for the three dimensional burial coordinates for PCBs and PCB Items.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3 Section 5, page 5-1 and Attachment 6.</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Fence	<p>761.75(b)(9)</p> <p>(i) A six foot woven mesh fence, wall, or similar device shall be placed around the site to prevent unauthorized persons and animals from entering.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Appendix A, Operations Plan, dated February 2011, Revision 3, Section 2, page 2-1.</p>
Road maintenance	<p>761.75(b)(9)</p> <p>(ii) Roads shall be maintained to and within the site which are adequate to support the operation and maintenance of the site without causing safety or nuisance problems or hazardous conditions.</p>	Yes	Yes	<p>Location: Permit Renewal Application 01/08/10 - Section 4.8, page 26 and Appendix A, Operations Plan, dated February 2011, Revision 3, Section 11, page 11-1.</p>
Safety	<p>761.75(b)(9)</p> <p>(iii) The site shall be operated and maintained in a manner to prevent safety problems or hazardous conditions resulting from spilled liquids and windblown materials.</p>	Yes	Yes	<p>Included as Condition VII.E.6 in the PCB Approval.</p>
Landfill Approval	<p>761.75</p> <p>(c) Prior to the disposal of any PCBs and PCB Items in a chemical waste landfill, the owner or operator of the landfill shall receive written approval of the Agency Regional Administrator for the Region in which the landfill is located.</p>	Yes	Yes	<p>US Ecology is seeking renewal and modification from U.S. EPA of its existing PCB Approval.</p>

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Initial approval application report	761.75(c) (1) The owner or operator shall submit to the Regional Administrator an initial report which contains:	Yes	Yes	Location: Permit Renewal Application 01/08/10 and Appendices.
Landfill location	761.75(c)(1) (i) The location of the landfill.	Yes	Yes	Location: Permit Renewal Application 01/08/10, Section 2.1, page 1 (page dated 2/11).
Landfill site and design	761.75(c)(1) (ii) A detailed description of the landfill including general site plans and design drawings.	Yes	Yes	Location: Permit Renewal Application 01/08/10, Section 2.2, page 2, Section 4.0(a), page 10, Section 4.0(b), page 12, Appendix B (Landfill Report for Trench 12) and Appendix D (Design Basis and Construction Specifications for Trenches 11 and 12 Final Cover).

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Landfill engineering report	761.75(c)(1) (iii) An engineering report describing the manner in which the landfill complies with the requirements for chemical waste landfills specified in paragraph (b) of this section.	Yes	Yes	Location: Permit Renewal Application 01/08/10, Appendices B, C and D and responses to specific 761.75(b) requirements discussed above.
Sampling and monitoring	761.75(c)(1) (iv) Sampling and monitoring equipment and facilities available.	Yes	Yes	Location: Permit Renewal Application 01/08/10, Section 4.5, page 19, Section 4.6, page 23 (pages dated 2/11) and Appendix A, Operations Plan, dated February 2011, Revision 3, Section 9, page 9-1 and Section 10, page 10-1 (pages dated 2/11).
Waste volume	761.75(c)(1) (v) Expected waste volumes of PCBs.	Yes	Yes	Location: Permit Renewal Application 01/08/10, Section 6, page 28 (page dated 2/11).

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Wastes accepted	761.75(c)(1) (vi) General description of waste materials other than PCBs that are expected to be disposed of in the landfill.	Yes	Yes	Location: Permit Renewal Application 01/08/10,, Section 7, page 29 (page dated 2/11).
Operation plan	761.75(c)(1) (vii) Landfill operations plan as required in paragraph (b) of this section.	Yes	Yes	Location: Permit Renewal Application 01/08/10, Section 4.7, page 25, Appendix A, Operations Plan, dated February 2011, Revision 3.
Other permits	761.75(c)(1) (viii) Any local, State, or Federal permits or approvals.	Yes	Yes	Location: Permit Renewal Application 01/08/10, Section 10, page 34 and Attachment 11.
Compliance schedule	761.75(c)(1) (ix) Any schedules or plans for complying with the approval requirements of these regulations.	Yes	Yes	Included in Approval.

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Additional information for permit decision	<p>761.75(c)</p> <p>(2) In addition to the information contained in the report described in paragraph (c)(1) of this section, the Regional Administrator may require the owner or operator to submit any other information that the Regional Administrator finds to be reasonably necessary to determine whether a chemical waste landfill should be approved. Such other information shall be restricted to the types of information required in paragraphs (c)(1) (i) through (ix) of this section.</p>	Yes	Yes	Location: Permit Renewal Application 01/08/10 , Section 12, page 34.
Permit decision	<p>761.75(c)(3)</p> <p>(i) Except as provided in paragraph (c)(4) of this section the Regional Administrator may not approve a chemical waste landfill for the disposal of PCBs and PCB Items, unless he finds that the landfill meets all of the requirements of paragraph (b) of this section.</p>	Yes	Yes	Requirement noted and satisfied.
No unreasonable risk	<p>761.75(c)(3)</p> <p>(ii) In addition to the requirements of paragraph (b) of this section, the Regional Administrator may include in an approval any other requirements or provisions that the Regional Administrator finds are necessary to ensure that operation of the chemical waste landfill does not present an unreasonable risk of injury to health or the environment from PCBs.</p>	Yes	Yes	Included in Approval.
Approval expiration date	<p>761.75(c)(3)</p> <p>(ii) Such provisions may include a fixed period of time for which the approval is valid.</p>	Yes	Yes	Included in Approval.
Notice of PCB detection during monitoring	<p>761.75(c)(3)</p> <p>(ii) The approval may also include a stipulation that the operator of the chemical waste landfill report to the Regional Administrator any instance when PCBs are detectable during monitoring activities conducted pursuant to paragraph (b)(6) of this section.</p>	Yes	Yes	Included in Approval.

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Waivers	<p>761.75(c)(4)</p> <p>(4) An owner or operator of a chemical waste landfill may submit evidence to the Regional Administrator that operation of the landfill will not present an unreasonable risk of injury to health or the environment from PCBs when one or more of the requirements of paragraph (b) of this section are not met. On the basis of such evidence and any other available information, the Regional Administrator may in his discretion find that one or more of the requirements of paragraph (b) of this section is not necessary to protect against such a risk and may waive the requirements in any approval for that landfill. Any finding and waiver under this paragraph will be stated in writing and included as part of the approval.</p>	Not Applicable	Not Applicable	The requirements of 40 C.F.R. 761.75(b) are satisfied.
Persons approved	<p>761.75(c)(5)</p> <p>(5) Any approval will designate the persons who own and who are authorized to operate the chemical waste landfill, and will apply only to such persons, except as provided by paragraph (c)(7) of this section.</p>	Yes	Yes	Included in Approval.
Final approval signature	<p>761.75(c)(6)</p> <p>(6) Approval of a chemical waste landfill will be in writing and will be signed by the Regional Administrator.</p>	Yes	Yes	Requirement noted.
Final approval contents	<p>761.75(c)(6)</p> <p>(6) The approval will state all requirements applicable to the approved landfill.</p>	Yes	Yes	Approval specifies all requirements applicable to the landfills.

Subject	TSCA Regulation	Complete?	Acceptable?	Information Location
Transfer	<p>761.75(c)(7)</p> <p>(7) Any person who owns or operates an approved chemical waste landfill must notify EPA at least 30 days before transferring ownership in the property or transferring the right to conduct the chemical waste landfill operation. The transferor must also submit to EPA, at least 30 days before such transfer, a notarized affidavit signed by the transferee which states that the transferee will abide by the transferor's EPA chemical waste landfill approval. Within 30 days of receiving such notification and affidavit, EPA will issue an amended approval substituting the transferee's name for the transferor's name, or EPA may require the transferee to apply for a new chemical waste landfill approval. In the latter case, the transferee must abide by the transferor's EPA approval until EPA issues the new approval to the transferee.</p>	Yes	Yes	Requirement included in Approval.

Appendix D

National Historic Preservation Act Correspondence



JIM GIBBONS
Governor

MICHAEL E. FISCHER
Department Director

STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS

State Historic Preservation Office
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RONALD M. JAMES
State Historic Preservation Officer

September 17, 2009

Ronald Leach
Project Manager
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco CA 94105

RE: Renewal and Modification of Toxic Substances Control Act Permit for US Ecology Facility, Phases B and C of Trench 12, Nye County.

Dear Mr. Leach:

The Nevada State Historic Preservation Office (SHPO) reviewed the subject undertaking. In order to determine the archaeological sensitivity of the proposed project area, the SHPO consulted the online statewide archaeological inventory (NVCRIS). According to their records, only a small portion of the proposed project area has been inventoried for cultural resources. No cultural resources were found as a result of this effort. Given the limited archaeological sensitivity of the project area and the previous disturbance in the project area the SHPO does not recommend an archaeological inventory of the project area.

As no historic properties are likely to be found within the area of potential effects (APE) for the subject undertaking, the SHPO would concur with an U.S. Environmental Protection Agency determination that historic properties will not be affected by the proposed undertaking.

If buried and previously unidentified resources are located during project activities, the SHPO recommends that all work in the vicinity cease and this office be contacted for additional consultation per 36 CFR 800.13.b.3. and NRS 383.150-383.190.

If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by e-mail at Rebecca.Palmer@nevadaculture.org.

Sincerely,

Rebecca Lynn Palmer
Review and Compliance Officer, Archaeologist



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

August 24, 2009

Ms. Rebecca Lynn Palmer
Historic Preservation Specialist
Department of Cultural Affairs
Nevada State Historic Preservation Office
100 N. Stewart Street
Carson City, Nevada 89701

**Re: Compliance with Section 106 of the National Historic Preservation Act
for the Renewal and Modification of Toxic Substances Control Act
Permit for US Ecology Facility, Beatty, Nevada**

Dear Ms. Palmer,

The U.S. Environmental Protection Agency ("U.S. EPA") is considering an application from the US Ecology, Nevada facility near Beatty, Nevada, to renew and modify its Approval (permit) under the Toxic Substances Control Act ("TSCA") to store, manage and dispose of wastes containing polychlorinated biphenyls ("PCBs"). We are seeking your input on this undertaking as it applies to the requirements of Section 106 of the National Historic Preservation Act ("NHPA"). As you know, Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties, and to afford consulting parties and the public reasonable opportunity to comment.

The US Ecology facility is located in the Amargosa desert on an 80 acre site near Highway 95 about 100 miles northwest of Las Vegas, Nevada. The closest city is Beatty Nevada, which is located approximately 11 miles northwest of the facility (see attached site location map). The facility treats and disposes of hazardous waste, PCBs and non-hazardous industrial material. The facility also acts as a storage facility for PCB and hazardous waste.

The facility is currently operating under a Resource Conservation and Recovery Act ("RCRA") permit issued by the Nevada Division of Environmental Protection ("NDEP") to manage hazardous waste and a separate TSCA Approval from the U.S. EPA to dispose and store PCB waste that was issued in 1996. US Ecology has applied for renewal of the TSCA Approval, which expired in 2001.

The US Ecology Nevada facility consists of nine pre-RCRA chemical waste trenches (closed) and the following three hazardous waste landfills: Trench 10 (closed), Trench 11 (operating) and the first phase of a newly constructed Trench 12. Other operations at the US Ecology facility include: low temperature thermal desorption, batch stabilization, PCB storage in tanks, oil water separation and storage of hazardous waste.

Area of Potential Effects

The action we are considering includes: (1) a renewal of the TSCA permit conditions for existing units that store, manage and dispose of PCB wastes and (2) a modification that incorporates Trench 12, a new landfill unit, into the TSCA Approval. The Trench 12 landfill consists of three phases (A, B and C). Phase A, which covers approximately 4.44 acres, has already been constructed and permitted by NDEP to receive hazardous wastes for disposal.

Our proposed Area of Potential Effects ("APE") includes just the footprint of Phases B and C of Trench 12 (see attached map of the APE). Phases B and C, which have not yet been constructed, will occupy an area of approximately 6.7 acres. The Phase B and C areas are currently used for dry hazardous waste storage in roll off bins. Administrative buildings also occupy a portion of the Phase C area.


Previous Project

Your office had considered a previous project at the US Ecology facility regarding installation of a Wet Air Oxidation Unit. In your letter of December 8, 2004, you discuss the project and conclude that "if the Army were to request our concurrence with a determination of 'No Historic Properties Affected,' our office would be happy to expedite the request." The December 8, 2004 letter is attached for your use.

Request for Input on Proposed Project

We are seeking you input in determining the archaeological sensitivity of the proposed project so that we can comply with the requirements of Section 106 of the NHPA. If you have any questions or require additional information, please call me at (415) 972-3362. Thank you in advance for your assistance.

Sincerely



Ronald Leach, P.E.
Project Manager
U.S. EPA, Region 9

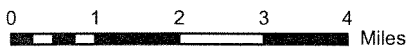
cc: Mike Leigh, NDEP
Scree Kailash, NDEP

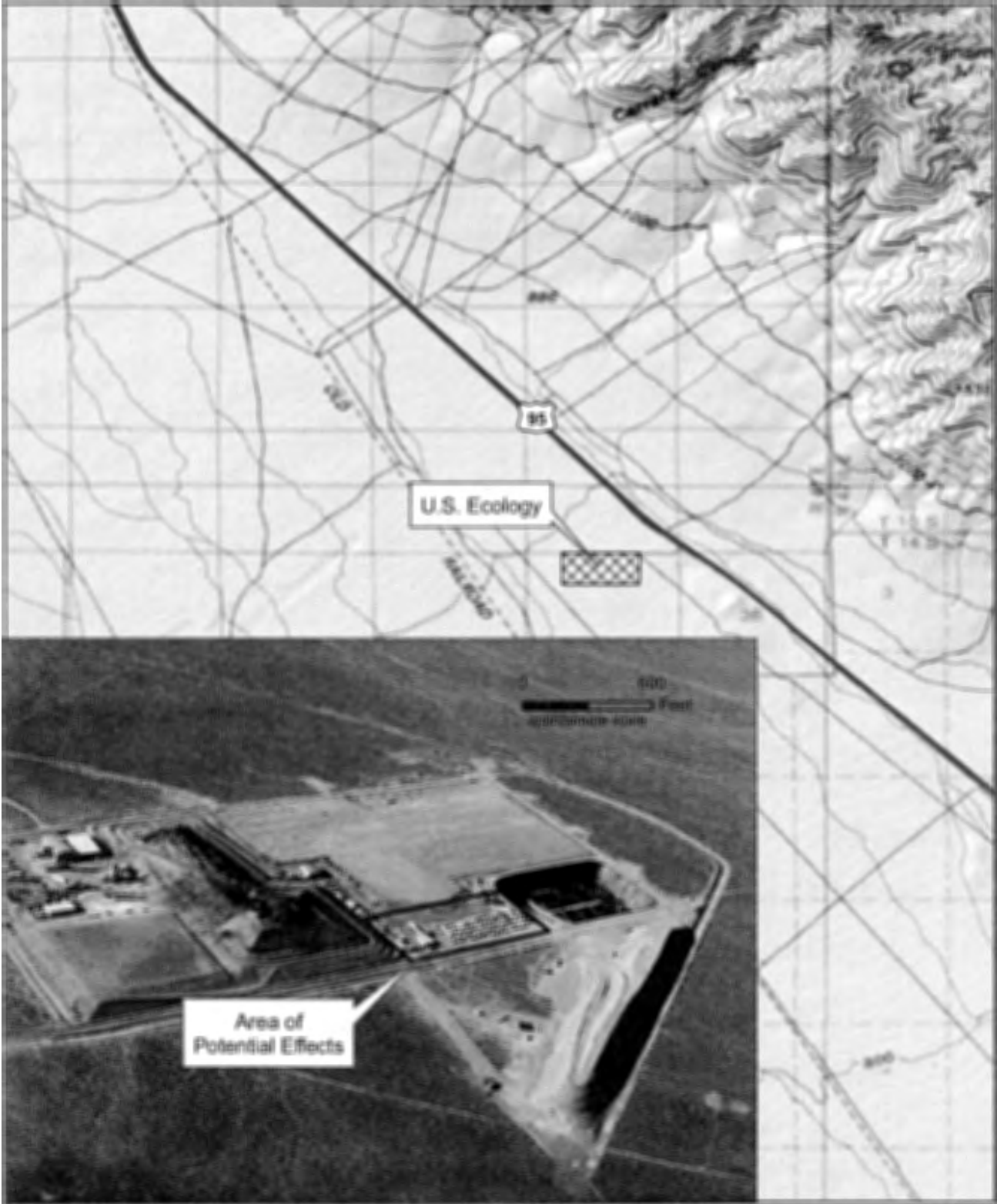


7.5' topographic map (Carrara Canyon Quadrangle)



Site Location Map
U.S. Ecology Nevada
Section 106 National Historic Preservation Act





Area of Potential Effects
 U.S. Ecology Nevada
 Section 106 National Historic Preservation Act

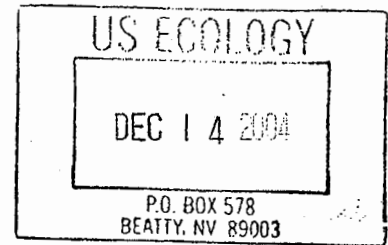




KENNY C. GUINN
Governor

SCOTT K. SISCO
Interim Director

STATE OF NEVADA
DEPARTMENT OF CULTURAL AFFAIRS
Nevada State Historic Preservation Office
100 N. Stewart Street
Carson City, Nevada 89701
(775) 684-3448 • Fax (775) 684-3442
www.nvshpo.org



RONALD M. JAMES
State Historic Preservation Officer

December 8, 2004

Robert Marchand
General Manager
US Ecology
P.O. Box 578
Beatty NV 89003

RE: Proposed Installation and Operation of Wet Air Oxidation Unit to Treat Hazardous Waste at the US Ecology, Beatty, Amargosa Desert, Nye County.

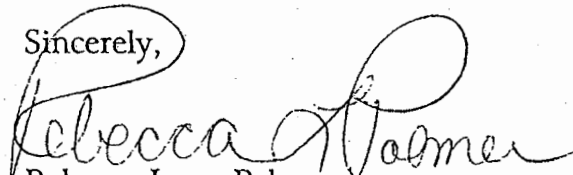
Dear Mr. Marchand:

The Nevada State Historic Preservation Office (SHPO) reviewed the proposed undertaking. In order to determine the archaeological sensitivity of the proposed project area, the SHPO consulted the online statewide archaeological inventory. According to their records, only a small portion of the proposed project area has been inventoried for cultural resources. No cultural resources were found as a result of this effort. Given the limited archaeological sensitivity of the project area and the previous disturbance in the project area the SHPO does not recommend an archaeological inventory of the project area.

As no historic properties are likely to be found within the area of potential effects (APE) for the subject undertaking, the SHPO would concur with a U.S. Army determination that historic properties will not be affected by the proposed undertaking. According to the National Historic Preservation Act of 1966, as amended, federal agencies are required to make determinations of eligibility and effect. In this case, if the U.S. Army were to request our concurrence with a determination of 'No Historic Properties Affected' our office would be happy to expedite the request.

If you have any questions concerning this correspondence, please contact me by phone at (775) 684-3443 or by E-mail at rlpalmer@clan.lib.nv.us.

Sincerely,


Rebecca Lynn Palmer
Historic Preservation Specialist



Tribal Contacts

Tansey Smith

to:

Ronald Leach

04/23/2012 04:07 PM

Hide Details

From: Tansey Smith <tsmith@ndep.nv.gov>

To: Ronald Leach/R9/USEPA/US@EPA

History: This message has been replied to and forwarded.

Dear Mr. Leach,

Thank you for contacting me regarding the Beatty RCRA permit. Here are the Tribal contacts for the Southern Nevada area. I hope this helps and don't hesitate to contact me for additional information.

Timbisha Shoshone Tribe- No Environmental Director in place

George Gholson, Tribal Chairperson

P.O. Box 1779

Bishop, CA 93515

Phone: (760) 872-3614

Fax: (760) 872-3670

Las Vegas Paiute Tribe

Steve Gill, Finance Officer, but also working on Environmental Issues for the Tribe

One Paiute Drive

Las Vegas, Nevada 89106

Phone: (702) 386-3926

Fax: (702) 383-4019

sgill@lvpaiute.com

Tonia Means, Tribal Chairperson

Same as above for Steve Gill

tmeans@lvpaiute.com

Moapa Band of Paiute Tribe

Darren Daboda, Environmental Director

P.O. Box 340

Moapa, Nevada 89025

Phone: (702) 865-2077
Fax: (702) 865-2875
d_daboda@yahoo.com

Tansey Smith
Inter-Tribal Council of Nevada
Tribal-State Environmental Liaison
901 South Stewart Street Suite 4001
Carson City, NV 89701
Phone: (775) 687-9483
Cell: (775) 315-4346
tsmith@ndep.nv.gov
<http://ndep.nv.gov/tribe/tlp.htm>



Tribal Chair Contact

Tansey Smith

to:

Ronald Leach

04/23/2012 04:10 PM

Cc:

"William Anderson (wanderson@mvdsl.com)"

Hide Details

From: Tansey Smith <tsmith@ndep.nv.gov>

To: Ronald Leach/R9/USEPA/US@EPA

Cc: "William Anderson (wanderson@mvdsl.com)" <wanderson@mvdsl.com>

History: This message has been forwarded.

I apologize Mr. Leach, I missed one more contact for the Moapa Band of Paiute Tribe.

Chairman, William Anderson

P.O. Box 340

Moapa, Nevada 89025

Phone: (702) 865-2787

Fax: (702) 865-2875

wanderson@mvdsl.com

Tansey Smith

Inter-Tribal Council of Nevada

Tribal-State Environmental Liaison

901 South Stewart Street Suite 4001

Carson City, NV 89701

Phone: (775) 687-9483

Cell: (775) 315-4346

tsmith@ndep.nv.gov

<http://ndep.nv.gov/tribe/tlp.htm>



**US Ecology Nevada - Proposed PCB Permit Renewal - NHPA Consultation
Letter**

Ronald Leach to: George
Cc: Tansey Smith, Caleb Shaffer

05/04/2012 03:41 PM

From: Ronald Leach/R9/USEPA/US
To: George@Timbisha.com
Cc: Tansey Smith <tsmith@ndep.nv.gov>, Caleb Shaffer/R9/USEPA/US@EPA

Chairman Gholson,

Attached please find U.S. EPA's letter requesting government to government tribal consultation under Section 106 of the National Historic Preservation Act ("NHPA") for our proposed PCB permit renewal at the US Ecology Facility in Beatty, Nevada. As we discussed on the phone last week, U.S. EPA's action is a renewal and modification of an existing permit that allows US Ecology to store, treat, and dispose of wastes containing Polychlorinated Biphenyls ("PCBs"). There is no excavation involved with the project. US Ecology has an existing permit from the Nevada Division of Environmental Protection ("NDEP") to manage hazardous waste under the Resource Conservation and Recovery Act ("RCRA"). A hard copy of the letter is being sent to you by regular certified mail. If you are interested in participating in this process or have any information on cultural resources near our project site, please let me know via phone, email or by mail within 30 days of your receipt of the letter. Also, please let me know if you do not wish to participate in the NHPA process. If you have any questions, please call me at (415) 972-3362. Thank you for your help. Ron Leach

Ronald Leach, P.E.
U.S. Environmental Protection Agency, Region 9 (WST-5)
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 972-3362
E-mail: leach.ronald@epa.gov



USEN NHPA Timbisha 050312.pdf



**US Ecology Nevada - Proposed PCB Permit Renewal - NHPA Consultation
Letter**

Ronald Leach to: sgill
Cc: Tansey Smith, Caleb Shaffer

05/04/2012 03:44 PM

From: Ronald Leach/R9/USEPA/US
To: sgill@lvpaiute.com
Cc: Tansey Smith <tsmith@ndep.nv.gov>, Caleb Shaffer/R9/USEPA/US@EPA

Mr. Gill,

Attached please find U.S. EPA's letter to Chairperson Means requesting government to government tribal consultation under Section 106 of the National Historic Preservation Act ("NHPA") for our proposed PCB permit renewal at the US Ecology Facility in Beatty, Nevada. As we discussed on the phone last week, U.S. EPA's action is a renewal and modification of an existing permit that allows US Ecology to store, treat, and dispose of wastes containing Polychlorinated Biphenyls ("PCBs"). There is no excavation involved with the project. US Ecology has an existing permit from the Nevada Division of Environmental Protection ("NDEP") to manage hazardous waste under the Resource Conservation and Recovery Act ("RCRA"). A hard copy of the letter is being sent by regular certified mail. If you or Chairperson Means are interested in participating in this process or have any information on cultural resources near our project site, please let me know via phone, email or by mail within 30 days of your receipt of the letter. Also, please let me know if you do not wish to participate in the NHPA process. If you have any questions, please call me at (415) 972-3362. Thank you for your help. Ron Leach

Ronald Leach, P.E.
U.S. Environmental Protection Agency, Region 9 (WST-5)
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 972-3362
E-mail: leach.ronald@epa.gov



USEN NHPA LV Paiute 050312.pdf



**US Ecology Nevada - Proposed PCB Permit Renewal - NHPA Consultation
Letter**

Ronald Leach to: D_Daboda
Cc: Tansey Smith, Caleb Shaffer

05/04/2012 03:46 PM

From: Ronald Leach/R9/USEPA/US
To: D_Daboda@yahoo.com
Cc: Tansey Smith <tsmith@ndep.nv.gov>, Caleb Shaffer/R9/USEPA/US@EPA

Mr. Daboda,

Attached please find U.S. EPA's letter to Chairman Anderson requesting government to government tribal consultation under Section 106 of the National Historic Preservation Act ("NHPA") for our proposed PCB permit renewal at the US Ecology Facility in Beatty, Nevada. As we discussed on the phone last week, U.S. EPA's action is a renewal and modification of an existing permit that allows US Ecology to store, treat, and dispose of wastes containing Polychlorinated Biphenyls ("PCBs"). There is no excavation involved with the project. US Ecology has an existing permit from the Nevada Division of Environmental Protection ("NDEP") to manage hazardous waste under the Resource Conservation and Recovery Act ("RCRA"). A hard copy of the letter is being sent by regular certified mail. If you or Chairman Anderson are interested in participating in this process or have any information on cultural resources near our project site, please let me know via phone, email or by mail within 30 days of your receipt of the letter. Also, please let me know if you do not wish to participate in the NHPA process. If you have any questions, please call me at (415) 972-3362. Thank you for your help. Ron Leach

Ronald Leach, P.E.
U.S. Environmental Protection Agency, Region 9 (WST-5)
75 Hawthorne Street
San Francisco, CA 94105
Phone: (415) 972-3362
E-mail: leach.ronald@epa.gov



USEN NHPA Moapa.050312 pdf.pdf



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

Certified Mail No. 7008 1830 0002 6279 8203
Return Receipt Requested

In Reply WST-4
Refer To: US Ecology
EPA ID: NVT330010000

May 3, 2012

Chairman George Gholson
Timbisha Shoshone Tribe
P.O. Box 1779
Bishop, California 93515

Re: Request for Government-to-Government Tribal Consultation Under Section 106 of the National Historic Preservation Act for an Undertaking at the US Ecology Facility in Beatty, Nevada

Dear Chairman Gholson:

The United States Environmental Protection Agency, Region 9 ("U.S. EPA") has received an application from US Ecology Nevada to renew and modify its existing Approval (permit) to store, treat and dispose of wastes containing Polychlorinated Biphenyls ("PCBs") under Section 6(e)(1) of the Toxic Substances Control Act ("TSCA"). U.S. EPA, as the permitting agency, is responsible for complying with the National Historic Preservation Act of 1966 ("NHPA"), as amended, 16 U.S.C. § 470f. U.S. EPA has determined that the proposed project is an "undertaking" subject to the review process set forth in Section 106 of the NHPA. The proposed undertaking involves the renewal and modification of the existing Approval with no excavation of soil. Accordingly, I am writing to initiate consultation with you on this project.

Section 106 of the NHPA requires, among other things, that Federal agencies: (1) take into account the effect of their undertakings on properties included in or eligible for inclusion in the National Register of Historic Places; (2) afford a reasonable opportunity to comment on such undertakings; and (3) consistent with its trust responsibility, consult with federally recognized tribes to ensure that Indian tribes which attach religious or cultural significance to historic properties that may be affected by an undertaking are provided a reasonable opportunity to participate in the process. U.S. EPA is therefore requesting your assistance in helping to identify historic properties of traditional religious and cultural importance to your tribe that may be located within the geographic area where the proposed project may directly or indirectly impact.

The US Ecology facility is located in the Amargosa desert on an 80 acre site near Highway 95 about 100 miles northwest of Las Vegas, Nevada. The closest city is Beatty Nevada, which is located approximately 11 miles northwest of the facility (see enclosed site location map). The facility treats and disposes of hazardous waste, PCBs and non-hazardous industrial material. The facility also acts as a storage facility for PCB and hazardous waste.

The facility is currently operating under a Resource Conservation and Recovery Act ("RCRA") permit issued by the Nevada Division of Environmental Protection ("NDEP") to store, treat and dispose of hazardous waste, and a separate TSCA Approval from the U.S. EPA for management of PCB waste that was issued in 1996. US Ecology applied for renewal of the TSCA permit, which expired in 2001.

The US Ecology Nevada facility consists of nine pre-RCRA chemical waste trenches (closed) and the following three hazardous waste landfills: Trench 10 (closed), Trench 11 (operating) and Trench 12 (operating). Other operations at the US Ecology facility include: batch stabilization, PCB storage in tanks, oil water separation, and storage of hazardous waste.

There is no excavation work involved with this Approval renewal and modification project. All of the storage and treatment of PCBs at the facility is done within contained areas. The two operating landfills, Trench 11 and Trench 12, are both double lined and have leachate collection systems.

U.S. EPA is sensitive to the possibility that you may not wish to divulge information about historic properties that have cultural or religious significance. The NHPA and its implementing regulations provide protection from public disclosure of information about a historic property that might result in harm to the property, a significant invasion of privacy or impediments to traditional religious practices at a site. Therefore, U.S. EPA is open to working with you in a manner that meets concerns that you may have regarding the sensitivity of information. For those properties that are determined to be "historic properties" under the NHPA, U.S. EPA would like to initiate consultation with you on possible measures to avoid or minimize potential adverse effects to such properties.

If you are interested in participating in this process or have any information on cultural resources near our project site, please let us know via phone, email (see below) or by mail within 30 days of receipt of this letter.

Thank you for assisting us with our NHPA compliance. If you have any questions regarding this request, please feel free to have your staff contact Ron Leach, RCRA Facilities Management Office, at (415) 972-3362 or by email at leach.ronald@epa.gov. U.S. EPA looks forward to working with you on this matter.

Sincerely,


for Jeff Scott, Director
Waste Management Division

Enclosure

cc: Tansey Smith, Inter-Tribal Council of Nevada

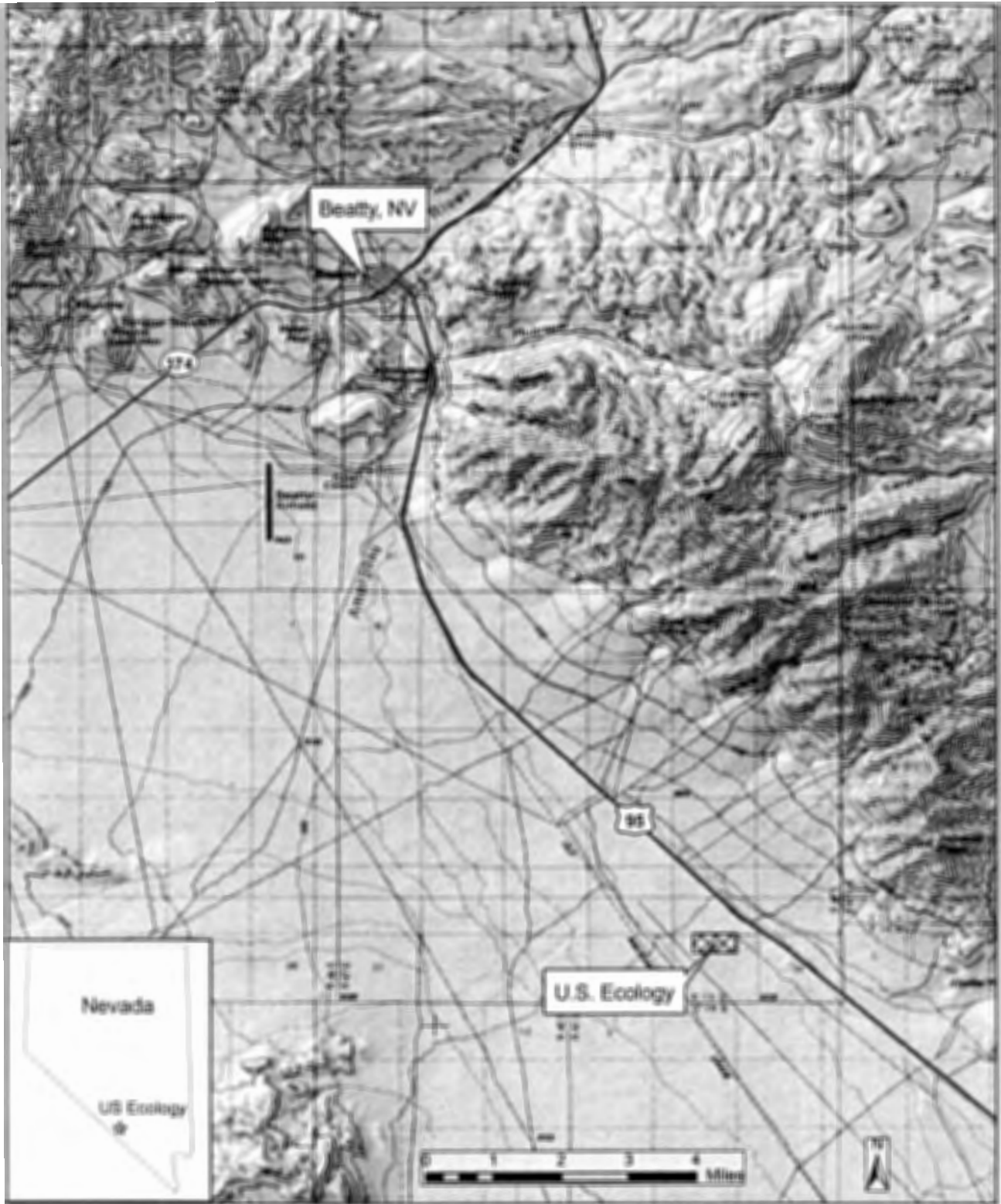


Figure 1. Site Location Map, US Ecology Nevada

7.5' topographic map (Carrara Canyon Quadrangle)



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

Certified Mail No. 7011 0470 0002 9197 5889
Return Receipt Requested

In Reply WST-4
Refer To: US Ecology
EPA ID NVT330010000

May 3, 2012

Chairperson Tonia Means
Las Vegas Paiute Tribe
One Paiute Drive
Las Vegas, Nevada 89106

Re: Request for Government-to-Government Tribal Consultation Under Section 106 of the National Historic Preservation Act for an Undertaking at the US Ecology Facility in Beatty, Nevada

Dear Chairperson Means:

The United States Environmental Protection Agency, Region 9 ("U.S. EPA") has received an application from US Ecology Nevada to renew and modify its existing Approval (permit) to store, treat and dispose of wastes containing Polychlorinated Biphenyls ("PCBs") under Section 6(e)(1) of the Toxic Substances Control Act ("TSCA"). U.S. EPA, as the permitting agency, is responsible for complying with the National Historic Preservation Act of 1966 ("NHPA"), as amended, 16 U.S.C. § 470f. U.S. EPA has determined that the proposed project is an "undertaking" subject to the review process set forth in Section 106 of the NHPA. The proposed undertaking involves the renewal and modification of the existing Approval with no excavation of soil. Accordingly, I am writing to initiate consultation with you on this project.

Section 106 of the NHPA requires, among other things, that Federal agencies: (1) take into account the effect of their undertakings on properties included in or eligible for inclusion in the National Register of Historic Places; (2) afford a reasonable opportunity to comment on such undertakings; and (3) consistent with its trust responsibility, consult with federally recognized tribes to ensure that Indian tribes which attach religious or cultural significance to historic properties that may be affected by an undertaking are provided a reasonable opportunity to participate in the process. U.S. EPA is therefore requesting your assistance in helping to identify historic properties of traditional religious and cultural importance to your tribe that may be located within the geographic area where the proposed project may directly or indirectly impact.

The US Ecology facility is located in the Amargosa desert on an 80 acre site near Highway 95 about 100 miles northwest of Las Vegas, Nevada. The closest city is Beatty Nevada, which is located approximately 11 miles northwest of the facility (see enclosed site location map). The facility treats and disposes of hazardous waste, PCBs and non-hazardous industrial material. The facility also acts as a storage facility for PCB and hazardous waste.

The facility is currently operating under a Resource Conservation and Recovery Act ("RCRA") permit issued by the Nevada Division of Environmental Protection ("NDEP") to store, treat and dispose of hazardous waste, and a separate TSCA Approval from the U.S. EPA for management of PCB waste that was issued in 1996. US Ecology applied for renewal of the TSCA permit, which expired in 2001.

The US Ecology Nevada facility consists of nine pre-RCRA chemical waste trenches (closed) and the following three hazardous waste landfills: Trench 10 (closed), Trench 11 (operating) and Trench 12 (operating). Other operations at the US Ecology facility include: batch stabilization, PCB storage in tanks, oil water separation, and storage of hazardous waste.

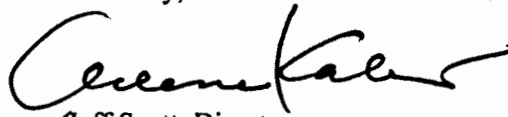
There is no excavation work involved with this Approval renewal and modification project. All of the storage and treatment of PCBs at the facility is done within contained areas. The two operating landfills, Trench 11 and Trench 12, are both double lined and have leachate collection systems.

U.S. EPA is sensitive to the possibility that you may not wish to divulge information about historic properties that have cultural or religious significance. The NHPA and its implementing regulations provide protection from public disclosure of information about a historic property that might result in harm to the property, a significant invasion of privacy or impediments to traditional religious practices at a site. Therefore, U.S. EPA is open to working with you in a manner that meets concerns that you may have regarding the sensitivity of information. For those properties that are determined to be "historic properties" under the NHPA, U.S. EPA would like to initiate consultation with you on possible measures to avoid or minimize potential adverse effects to such properties.

If you are interested in participating in this process or have any information on cultural resources near our project site, please let us know via phone, email (see below) or by mail within 30 days of receipt of this letter.

Thank you for assisting us with our NHPA compliance. If you have any questions regarding this request, please feel free to have your staff contact Ron Leach, RCRA Facilities Management Office, at (415) 972-3362 or by email at leach.ronald@epa.gov. U.S. EPA looks forward to working with you on this matter.

Sincerely,



for Jeff Scott, Director
Waste Management Division

Enclosure

cc: Tansey Smith, Inter-Tribal Council of Nevada

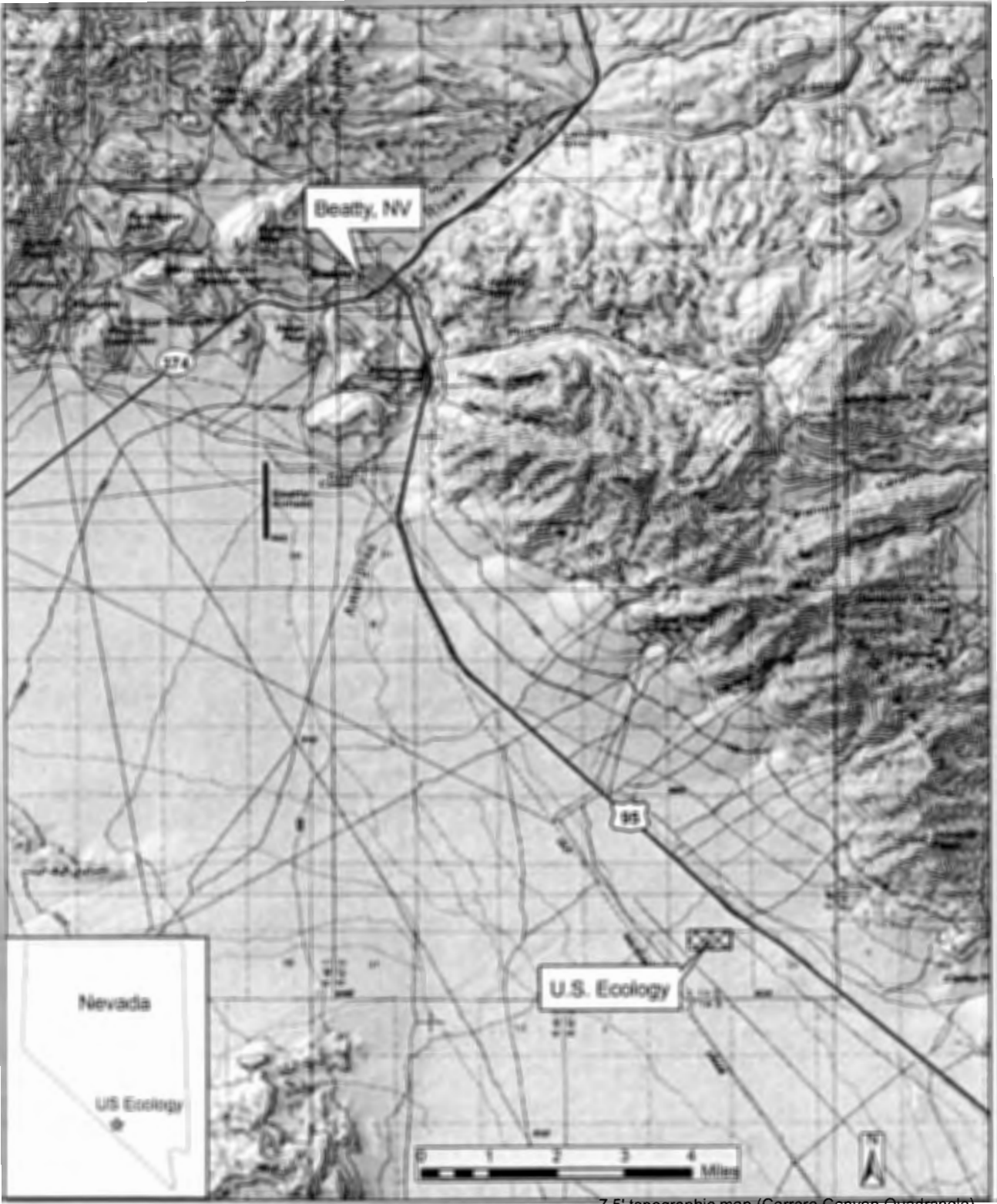


Figure 1. Site Location Map, US Ecology Nevada

7.5' topographic map (Carrara Canyon Quadrangle)



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

Certified Mail No. 7011 0470 0002 9197 5896
Return Receipt Requested

In Reply WST-4
Refer To: US Ecology
EPA ID NVT330010000

May 3, 2012

Chairman William Anderson
Moapa Band of Paiute Tribe
P.O. Box 340
Moapa, Nevada 89025

Re: Request for Government-to-Government Tribal Consultation Under Section 106 of the National Historic Preservation Act for an Undertaking at the US Ecology Facility in Beatty, Nevada

Dear Chairman Anderson:

The United States Environmental Protection Agency, Region 9 ("U.S. EPA") has received an application from US Ecology Nevada to renew and modify its existing Approval (permit) to store, treat and dispose of wastes containing Polychlorinated Biphenyls ("PCBs") under Section 6(e)(1) of the Toxic Substances Control Act ("TSCA"). U.S. EPA, as the permitting agency, is responsible for complying with the National Historic Preservation Act of 1966 ("NHPA"), as amended, 16 U.S.C. § 470f. U.S. EPA has determined that the proposed project is an "undertaking" subject to the review process set forth in Section 106 of the NHPA. The proposed undertaking involves the renewal and modification of the existing Approval with no excavation of soil. Accordingly, I am writing to initiate consultation with you on this project.

According to U.S. EPA regulations under TSCA, the action we are taking is technically known as an "Approval". A TSCA Approval is essentially a permit. For instance, U.S. EPA follows a similar administrative process for its issuance, renewal and modification as a permit.

Section 106 of the NHPA requires, among other things, that Federal agencies: (1) take into account the effect of their undertakings on properties included in or eligible for inclusion in the National Register of Historic Places; (2) afford a reasonable opportunity to comment on such undertakings; and (3) consistent with its trust responsibility, consult with federally recognized tribes to ensure that Indian tribes which attach religious or cultural significance to historic properties that may be affected by an undertaking are provided a reasonable opportunity to participate in the process. U.S. EPA is therefore requesting your assistance in helping to identify historic properties of traditional religious and cultural importance to your tribe that may be located within the geographic area where the proposed project may directly or indirectly impact.

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U.S. EPA is sensitive to the possibility that you may not wish to divulge information about historic properties that have cultural or religious significance. The NHPA and its implementing regulations provide protection from public disclosure of information about a historic property that might result in harm to the property, a significant invasion of privacy or impediments to traditional religious practices at a site. Therefore, U.S. EPA is open to working with you in a manner that meets concerns that you may have regarding the sensitivity of information. For those properties that are determined to be "historic properties" under the NHPA, U.S. EPA would like to initiate consultation with you on possible measures to avoid or minimize potential adverse effects to such properties.

If you are interested in participating in this process or have any information on cultural resources near our project site, please let us know via phone, email (see below) or by mail within 30 days of receipt of this letter.

Thank you for assisting us with our NHPA compliance. If you have any questions regarding this request, please feel free to have your staff contact Ron Leach, RCRA Facilities Management Office, at (415) 972-3362 or by email at leach.ronald@epa.gov. U.S. EPA looks forward to working with you on this matter.

Sincerely,


for Jeff Scott, Director
Waste Management Division

Enclosure

cc: Tansey Smith, Inter-Tribal Council of Nevada



Figure 1. Site Location Map, US Ecology Nevada

7.5' topographic map (Carrara Canyon Quadrangle)

Appendix E

Environmental Justice Considerations for Renewal and Modification of PCB Approval for the US Ecology Facility, Beatty, Nevada



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

January 20, 2010

From: Ronald Leach, Environmental Engineer *Ronald Leach*
RCRA Corrective Action Office (WST-5)

To: US Ecology, Nevada File

Through: Cheryl Nelson, Manager *Cheryl Nelson*
RCRA Facilities Management Office (WST-4)

Subject: Environmental Justice for US Ecology, Nevada, TSCA Approval Renewal Decision

Environmental Justice ("EJ") is one factor that the United States Environmental Protection Agency ("U.S. EPA") must consider when taking an action such as making a permit decision. This is mandated by Presidential Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which was issued on February 11, 1994. The goal of the Executive Order is to ensure that all federal agencies identify and address, as appropriate, any disproportionately high and adverse impacts of their programs and activities on minority or low-income groups. In evaluating possible EJ concerns arising from a permitting context, the key question is whether there is any basis to believe that the operation of the facility pursuing the permit modification or renewal might have a disproportionate impact on a minority or low-income segment of an affected community.

The decision being considered by Region 9 is whether to renew and modify an existing Approval (*i.e.*, a permit) that would allow the US Ecology, Nevada facility (the "Facility") to continue to store, manage, and dispose of polychlorinated biphenyl ("PCB") waste pursuant to the Toxic Substances Control Act ("TSCA"). The Facility is located in the Amargosa Desert on an 80-acre site near Highway 95 about 100 miles northwest of Las Vegas, Nevada. Beatty, Nevada, the closest municipality, is located approximately 11 miles northwest of the Facility. The Facility treats and disposes of hazardous waste, PCB-contaminated waste, and non-hazardous industrial material. The Facility also acts as a storage facility for hazardous waste and PCB-contaminated waste.

The Facility is currently operating under a Resource Conservation and Recovery Act ("RCRA") permit issued by the Nevada Division of Environmental Protection ("NDEP") to manage hazardous waste and a separate TSCA Approval from the U.S. EPA to dispose and store PCB waste that was issued in 1996. US Ecology has applied for renewal of the TSCA Approval, which expired in 2001.

EJ Evaluation

To identify and assess possible EJ concerns, I reviewed demographic data collected by the Environmental Justice Geographic Assessment Tool (“EJGAT”) and past records from public meetings held by the NDEP related to modification of the RCRA permit. The EJGAT data are provided in Attachment 1 and the public meeting records are provided in Attachment 2.

EJGAT

EJGAT is an interactive computer program that gathers geographic and census information for use in assessing EJ concerns. It displays and calculates statistics on social, economic, health and environmental indicators for a given geographic location. Assessment variables include demographics, such as persons per square mile, per capita income, and percent below the poverty line. U.S. EPA typically uses the statistics to assess possible EJ concerns for a proposed regulatory action such as issuing a permit.

In sum, population data from the EJGAT indicate that there is not a disproportionately high minority or low-income community living within a 3-mile radius of the Facility. According to the EJGAT, a total population of 39 individuals lives within a 3-mile radius of the Facility. The percentages of minorities and persons below the poverty level in the subject area (*i.e.*, within a 3-mile radius of the Facility) are both less than the percentages for similar populations in Nye County and the State of Nevada as a whole. Specifically, the minority percentage in the subject area is 3.6 percent while it is 14.8 percent in Nye County and 34.9 percent overall in the State of Nevada. The percentage of persons living below the poverty level in the study area is 7.7 percent while it is 10.6 percent in Nye County and 10.3 percent overall in the State of Nevada.

Note that the EJGAT and the TSCA Permit Renewal Application (the “Renewal Application”) provide different figures for the size of the residential population living near the Facility. The Permit Renewal Application, dated March 3, 2009, indicates that no one lives within a 3-mile radius of the Facility and that the nearest resident lives 11 miles away in Beatty, Nevada, whereas the EJGAT reports that 39 individuals live within a 3-mile radius of the Facility. Because the EJGAT is based on 2000 Census figures that involve software interpolation of census tract data, it is possible that the determination that 39 individuals live within a 3-mile radius of the Facility may be an inaccurate statistical quirk. Regardless, the community that lives within the subject area is (1) either very small or non-existent, and (2) not disproportionately high in its percentage makeup of minority or low-income members relative to the county and the state as a whole.

Public Meetings

The following public meetings to collect data on communities of concern were held for modifications to the RCRA permit:

- May 3, 2006 - No members of the public attended the meeting
- August 20, 2007 - No members of the public attended the meeting

- November 5, 2007 - Two community members (both from Beatty, Nevada) attended the meeting; one was a newspaper reporter; neither had any questions on the permit modification
- June 2, 2008 - No members of the public attended the meeting

Conclusions

Environmental Justice does not present a significant concern for U.S. EPA with respect to its decision-making on the potential renewal and modification of the TSCA Approval for the Facility. This conclusion is based on demographic information obtained from the EJGAT and on historical records of attendance at public meetings for modifications to the hazardous waste management permit for the Facility. Despite ample opportunity, EJ issues have never been raised by the local community, and the area near Beatty, Nevada has no past history of EJ concerns. Demographic data from the EJGAT and the Renewal Application indicate that there is no disproportionately high percentage of minority or low-income individuals who reside within a 3-mile radius of the Facility – indeed, it is possible that there are no residents of any kind living within a 3-mile radius of the subject area. Any adverse environmental or human health impacts theoretically arising from the modification or renewal of the TSCA Approval is thus not expected to have a disproportionate impact on any minority or low-income populations.

Attachment 1

**Environmental Justice Geographic Assessment Tool
US Ecology, Nevada Facility
January 2010**



U.S. ENVIRONMENTAL PROTECTION AGENCY

Environmental Justice Geographic Assessment Tool

US Ecology, Nevada - 3 mile radius
 Processed June 9, 2009 by RL

County and State Comparison

Overview

	Study Area	NYE County, NV	NEVADA
<u>Total Persons:</u>	39	32485	1998257
<u>Population Density:</u>	1.39 /sq mi	1.79 /sq mi	18.19 /sq mi
<u>Percent Minority:</u>	3.6%	14.8%	34.9%
<u>Persons Below Poverty Level:</u>	3 (7.7%)	3454 (10.6%)	205685 (10.3%)
<u>Households in Area:</u>	18	13309	751165
<u>Households on Public Assistance:</u>	0	470	17647
<u>Housing Units Built <1970:</u>	9%	12%	18%
<u>Housing Units Built <1950:</u>	5%	4%	3%

Race

(* Columns that add up to 100% are highlighted)

Race Breakdown	Study Area	NYE County, NV	NEVADA
<u>White:</u>	39 (100.0%)	29153 (89.7%)	1503083 (75.2%)
<u>African-American:</u>	0 (0.0%)	309 (1.0%)	132490 (6.6%)
<u>Hispanic-Origin:</u>	1 (3.6%)	2686 (8.3%)	393539 (19.7%)
<u>Asian/Pacific Islander:</u>	0 (0.0%)	235 (0.7%)	89121 (4.5%)
<u>American Indian:</u>	0 (0.0%)	732 (2.3%)	26485 (1.3%)
<u>Other Race:</u>	0 (0.0%)	935 (2.9%)	158101 (7.9%)
<u>Multiracial:</u>	0 (0.0%)	1042 (3.2%)	81171 (4.1%)

Age

(* Columns that add up to 100% are highlighted)

Age Breakdown	Study Area	NYE County, NV	NEVADA
<u>Child 5 years or less:</u>	3 (6.8%)	2287 (7.0%)	174857 (8.8%)
<u>Minors 17 years and younger:</u>	10 (25.3%)	7606 (23.4%)	509731 (25.5%)
<u>Adults 18 years and older:</u>	29 (74.7%)	24879 (76.6%)	1488526 (74.5%)
<u>Seniors 65 years and older:</u>	4 (10.0%)	5945 (18.3%)	218497 (10.9%)

Education

Education Level (Persons 25 & older)	Study Area	NYE County, NV	NEVADA
<u>Less than 9th grade:</u>	1 (3.9%)	954 (4.4%)	84237 (6.9%)
<u>9th -12th grade:</u>	2 (7.3%)	3868 (17.7%)	169137 (13.8%)
<u>High School Diploma:</u>	16 (55.9%)	9575 (43.7%)	384270 (31.3%)
<u>Some College/2 yr:</u>	6 (22.6%)	5170 (23.6%)	353797 (28.8%)
<u>B.S./B.A. or more:</u>	2 (8.7%)	2343 (10.7%)	237875 (19.4%)

Language

Ability to Speak English	Study Area	NYE County, NV	NEVADA
Population Age 5 and Over:	37	30602	1853720
Speak only English:	37 (98.7%)	27840 (82.5%)	1425748 (59.7%)
Non-English at Home:	0 (0.0%)	2762 (8.2%)	427972 (17.9%)
Speak English very well:	0 (0.0%)	1913 (5.7%)	220285 (9.2%)
Speak English well:	0 (0.0%)	470 (1.4%)	100717 (4.2%)
Speak English not well:	0 (0.0%)	233 (0.7%)	75284 (3.2%)
Speak English less than well:	0 (0.0%)	379 (1.1%)	106970 (4.5%)
Speak English not at all:	0 (0.0%)	146 (0.4%)	31686 (1.3%)

SOURCE: U.S. Bureau of the Census

Data represents population and housing statistics by county for Census 2000.

Attachment 2

**Public Meeting Records
US Ecology, Nevada Facility
January 2010**

Sree Kailash

From: Bob Marchand [BMARCHAND@usecology.com]
Sent: Tuesday, June 03, 2008 7:55 AM
To: Mike Leigh; Sree Kailash
Cc: Scott Wisniewski
Subject: Class 3 Modification Request - Final Cover Design Public Meeting

*class 3 mod
than final cover - Allet -
native Design Trenches 11 & 12*

Mike/Sree:

In accordance with 40 CFR§270.42(c)(4) a properly noticed public meeting was held yesterday evening at 6:00 pm at the Beatty, NV Community Center. The public meeting was held regarding the pending Class 3 Permit modification request for the final cover design for Trenches 11 and 12 at the US Ecology Nevada facility located near Beatty, NV. No members of the public attended the meeting and the meeting was adjourned at 6:30 pm.

Please give me a call if you have any questions.

Thanks,

Bob Marchand

6/3/2008

Sree Kailash

From: Scott Wisniewski [swisniewski@usecology.com]
Sent: Thursday, November 15, 2007 10:09 AM
To: Sree Kailash
Subject: US Ecology Public Meeting

class 3 mod
(Increase Trench 12
capacity)

Sree,

This email is to inform you that on Monday November 5, 2007 US Ecology held a public meeting to discuss the Class 3 permit modification request which covers the future expansion of Trench 12. The meeting was held at the Beatty Community Center in Beatty, NV.

Representing US Ecology at the meeting was myself, Mark John (Operations Manager) and Joannie Jarvis (HR/Office Manager). A total of two private citizens attended the meeting. Both attendees were residents of the town of Beatty with one being a contract reporter for the Pahrump Valley Times. The second resident was new to the town of Beatty and was primarily interested in general operations of the US Ecology facility. Neither of the attendees had any questions or concerns regarding the Class 3 permit modification.

If you have any questions regarding the public meeting please contact me.

Thank you.

Scott Wisniewski
US Ecology Nevada
Environmental Compliance Manager
(775) 553-2203 x 127

11/28/2007

Sree Kailash

From: Bob Marchand [BMARCHAND@usecology.com]
Sent: Tuesday, August 21, 2007 9:01 AM
To: Sree Kailash
Cc: Scott Wisniewski; Richard O'Hara; Marisa Quinn
Subject: Class 2 Permit Modification August 20, 2007 Public Meeting

*class 2 mod
(install 3 GW monit'g
wells - Trench 12)*

Sree:

As outlined in our public notice associated with the pending Class 2 Permit Modification Request to add three additional monitoring wells associated with Trench 12, we conducted a public meeting August 20, 2007 beginning at 6:00 pm. US Ecology representatives (including myself) were present beginning at 5:50 pm until 6:30 pm. No members of the public arrived to participate in the meeting. If you have any questions or require any additional information regarding this subject please contact me.

Thank you,

Bob Marchand
General Manager
US Ecology Nevada, Inc.
P.O. Box 578
Beatty, NV 89003
(o) (775) 553-2203 x104
(f) (775) 553-2942

8/21/2007

RECEIVED

www.americaneecology.com



JUL 11 2006

ENVIRONMENTAL PROTECTION

July 7, 2006

RCRA Facilities Branch Supervisor
Bureau of Waste Management
Nevada Division of Environmental Protection
901 South Stewart Street, Suite 4001
Carson City, NV 89701-5249

class 2 mod (constn of container
& tank mgmt
bldg)

Attn: Mr. Jeff Denison, P.E.

RE: US Ecology Nevada, Inc. Permit No. NEVHW0019 EPA ID #NVT 330 010 000
Results of Public Meeting Held May 3, 2006

Dear Mr. Denison;

US Ecology Nevada proposes to construct a 150-foot by 175-foot Container and Tank Management Building at the Beatty, Nevada Hazardous Waste Management Facility. Draft permit modification information was submitted to NDEP on April 3, 2006.

A public notification regarding this modification was published in the Pahrump Valley Times newspaper on April 7, and April 12, 2006. Proof of the public notification publication was provided to NDEP in a correspondence dated April 14, 2006.

A public meeting was held on May 3, 2006, at 6:00 pm at the Beatty Community Center. There were no attendees at the meeting. Additionally, there have been no written comments received by USEN.

All documents associated with this modification are available at the facility for public review.

Should you have questions regarding this information, please contact Mr. Bob Marchand (extension 104) or myself (extension 103) at 800-239-3943.

Sincerely,


Mark John
Environmental Compliance/H&S Manager

cc: Ms. Paula Bisson, Toxic Management Section Chief - U.S. EPA Region 9
Mr. Robert Marchand, General Manager - US Ecology Nevada
Mr. Richard O'Hara, Environmental Health & Safety Director - American Ecology
File

Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment, for knowing violations.

Signed: _____

Date: 7/7/06