



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105
APR 05 2011**

CERTIFIED MAIL NO. 7000 0520 0021 6109 9303
RETURN RECEIPT REQUESTED

Notice of Violation and Information Request Pursuant to the Toxic Substances Control Act

Wayne R. Bulsiewicz
Environmental Health and Safety Manager
Veolia ES Technical Solutions, LLC
5736 W. Jefferson Street
Phoenix, AZ 85043

**Re: Veolia ES Technical Solutions, LLC, Phoenix, Arizona
EPA Identification Number AZ0 000 337 660**

Dear Mr. Bulsiewicz:

The United States Environmental Protection Agency ("EPA") has identified violations of the Toxic Substances and Control Act ("TSCA") at the Veolia ES Technical Solutions, LLC ("Veolia") facility located in Phoenix, Arizona, with EPA Identification Number AZ0000337660 ("the Facility"). This letter lists the specific areas of noncompliance and sets out a schedule for Veolia to demonstrate current compliance. Also included below is a request for information pertaining to polychlorinated biphenyls ("PCBs"), promulgated under TSCA at 40 C.F.R. part 761.

The violations of the TSCA PCB requirements described below are based on information gathered as part of EPA's compliance investigation, including on-site inspections and sampling at the Facility on March 17, 2008 and September 16, 2010. A copy of the combined inspection report created by EPA as part of its investigation of the facility is enclosed for your information and response. The report describes conditions at the Facility during the time of the inspections and identifies areas on noncompliance with TSCA regulations. Any omissions in these reports shall not be construed as a determination of compliance with any other applicable regulation.

Notice of Violation

TSCA Violations. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, you are required to correct the identified areas of noncompliance regarding the management and disposal of PCBs. The violations are:

- 1) Failure to decontaminate storage areas contaminated with PCBs prior to use in accordance with 40 C.F.R. § 761.30(u)(1) of TSCA.
- 2) Improper disposal of PCBs outside of Veolia's PCB Receiving and Storage Building in accordance with 40 C.F.R. §§ 761.50(a)(4) and 50(b)(3) of TSCA.
- 3) Failure to include the date removed from service on PCB Items prior to disposal in accordance with 40 C.F.R. § 761.65(c)(8) of TSCA.
- 4) Failure to adhere to a TSCA PCB Approval Condition in accordance with 40 C.F.R. § 761.65(d)(4)(iv) of TSCA.
- 5) Failure to include the date removed from service on outgoing PCB manifests in accordance with 40 C.F.R. § 761.207(a)(1) of TSCA.
- 6) Failure for a transporter to accept PCB waste without a manifest signed by the generator in accordance with 40 C.F.R. § 761.208(b)(1) of TSCA.

By copy of this letter, the EPA is providing the State of Arizona with notice of the referenced violations of the TSCA PCB management requirements.

Information Request

The EPA is also seeking information concerning past and current operations at the Facility. The information requested will supplement observations made by the EPA inspection team and the follow-up information provided by Veolia thereafter. After speaking with representatives of Veolia, EPA would like to request any documentation in your possession pertaining to compliance issues documented in EPA's 2008 and 2010 PCB inspections. Within thirty (30) calendar days from the date of your receipt of this letter, please provide EPA with the following information:

- 1) Remediation work pertaining to PCB releases documented during EPA's 2010 TSCA inspection. Please provide Region 9 with any written reports, sample verification data, disposal documentation and the amounts of soil, asphalt or concrete remediated.
- 2) Sample verification data pertaining to the decontamination of the storage area floors in Buildings 2, 3 and 4 of Veolia's facility in 2008 and 2010. Please provide Region 9 with any written reports, sample verification data, and disposal documentation pertaining to the decontamination activities in this Building during these two time periods.
- 3) How does Veolia propose to address EPA's concerns regarding the facility indicating the removal from service dates on PCB Items and outgoing manifests? Please provide a detail written statement to address this concern.
- 4) How does Veolia propose to address EPA's concern regarding the facility's acceptance of PCB waste without signed manifests from the generators? Please provide a detail written statement to address this concern.

Confidential Business Information

The EPA routinely provides copies of inspection reports to state agencies, and upon request, to the public. Such releases are handled according to the Freedom of Information Act regulations, 40 C.F.R. Part 2, Subpart B. For any portion of the information included in this inspection report which is entitled to confidential treatment, please assert a confidentiality claim in accordance with 40 C.F.R. § 2.203(b). If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B. As described in 40 C.F.R. § 2.203(a)(2), the EPA will construe the failure to furnish a confidentiality claim within fourteen (14) calendar days from the date of your receipt of this letter as a waiver of that claim, and information may be made available to the public by the EPA without further notice.

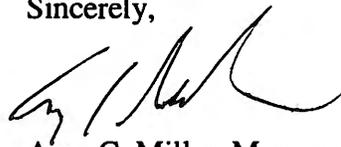
Your certification of correction of the areas of noncompliance identified in this notice of violation must be included in a response letter signed by a duly authorized official of Veolia. Your response should also address any other areas or activities of concern identified in the enclosed reports. Your response to the Notice of Violation and the Information Request is due within thirty (30) calendar days from the date of your receipt of this letter and shall be addressed to:

Christopher Rollins
Mailcode: WST-3
RCRA Enforcement Office
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
rollins.christopher@epa.gov

You may have been provided during the inspection with a Small Business Regulatory Enforcement and Fairness Act ("SBREFA") Information Sheet. If not, please see <http://www.epa.gov/compliance/resources/publications/incentives/smallbusiness/smallbusresources.pdf>. The Information Sheet is designed to provide information on compliance assistance and inform small businesses of their rights to comment to the SBREFA Ombudsman concerning EPA enforcement activities. Be aware that SBREFA does not eliminate your responsibilities to respond to this letter within the allowed time nor does it create any new rights or defenses under the law.

If you have questions related to the inspection report or this letter, please contact Christopher Rollins or my staff at (415) 947-4166.

Sincerely,



Amy C. Miller, Manager
RCRA Enforcement Office

Enclosure

cc: (w/o enclosure): Mel P. Bunkers, ADEQ

Mel P. Bunkers, Manager
Hazardous Waste Inspections and Compliance Unit
Arizona Department of Environmental Quality
1110 W. Washington Street
Phoenix, AZ 85007