



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

September 27, 2012

James Garrison  
Arizona State Parks  
Office of Historic Preservation  
1300 West Washington Street  
Phoenix, Arizona 85007

Attention: Erick Laurila

**Re: Consultation Under Section 106 of the National Historic Preservation Act for a Federal Permitting Project at Veolia Environmental Services Technical Solutions, LLC, 5736 West Jefferson Street, Phoenix AZ 85043; EPA ID AZ0 000 337 360**

Dear Mr. Garrison:

The U.S. Environmental Protection Agency, Region 9 (EPA) is currently reviewing an application for renewal (Application) of a Toxic Substances Control Act (TSCA) Approval for Polychlorinated Biphenyl (PCB) Commercial Storage (Approval), submitted by Veolia Environmental Services Technical Solutions, LLC (Veolia). In accordance with the provisions of the National Historic Preservation Act (NHPA), EPA has determined that the commercial storage of PCBs is an activity that requires a federal permit and therefore is an "undertaking," as defined in 36 C.F.R. § 800.16(y). Consequently, EPA has initiated the Section 106 review process. In this regard, the purpose of this letter is to:

- (1) Provide an overview of the undertaking;
- (2) Describe the Area of Potential Effect (APE);
- (3) Present EPA's finding of no historic properties affected, the evaluation in support thereof, and support documentation of this finding, in accordance with 36 C.F.R. § 800.11; and
- (4) Request your concurrence on this determination.

### **Overview of Undertaking**

Veolia is located at 5736 West Jefferson Street, in Phoenix, Arizona, approximately 6 miles west of downtown Phoenix and approximately 1 mile south of Interstate 10 (I-10). The facility is located within the Westgate Industrial Center. Veolia encompasses a 2.67-acre parcel within the industrial park. The facility is located at approximately 112°12'01" west longitude and 33°26'46" north latitude in the southwest quarter of the northwest quarter of Section 8, Township 1 North, Range 2 East of the Gila and Salt River Base and Meridian. A map of the location of the facility is depicted in Figure 1.

EPA is reviewing Veolia's Application for a TSCA Approval that would renew the facility's Approval last issued in 1999. The renewal would allow the facility to continue to store and process PCB waste in certain areas onsite under the same conditions of its current Approval. Authorized activities, under the terms of the Approval, include: draining oil from PCB equipment, recovery of metals from specific PCB equipment, PCB waste consolidation, and storage of PCB waste in designated areas that meet minimum technical standards (e.g., using proper containment systems that prevent the migration of PCB waste).

The renewal application does not involve any new construction or modifications to any existing structures. If such requests were to be made by Veolia in the future, in the form of a modification, or in a subsequent renewal Application for PCB storage, EPA will restart the Section 106 Review process under NHPA and initiate consultation with your office.

### **Area of Potential Effects**

For purposes of this undertaking, the (area of potential effects) APE is the geographic area or areas where the storage and processing of PCBs authorized under the Approval (and, if issued, the renewal) may directly or indirectly affect historic properties, should they exist. As noted above, the Approval only authorizes current PCB operations which occur completely onsite, in the designated areas mentioned above. Consequently, EPA has determined the APE for this undertaking (the area where PCB operations may directly or indirectly affect historic properties) to be the property boundary, as shown in Figure 2.

### **Steps Taken to Identify Historic Properties**

In accordance with 36 C.F.R. § 800.4(b)(1), EPA has taken "reasonable and good faith" efforts to identify historic properties within the APE. Specifically, EPA has accomplished the following tasks:

1. Searched the National Register of Historic Places; and
2. Conducted outreach with Indian tribes, as described below, to help identify any historic properties with cultural or religious significance that might be affected by the undertaking.

Based on these efforts, EPA finds that there are no historic properties within the APE. The closest historical property, Cartwright School, at 5833 West Thomas Road, is located approximately 2.5 miles from the facility.

### **Native American Tribal Outreach**

The NHPA requirements include that federal agencies consult with Indian tribes that may attach religious or cultural significance to a historic property that may be affected by an undertaking. As part of this effort, EPA contacted Mr. Erick Laurila, Compliance

Specialist/Archaeologist with the Arizona State Historical Preservation Office, regarding historical properties search and tribal consultation list. In response, Mr. Laurila provided a list of potentially interested Native American groups in the project area. This list is presented in Table 1. EPA contacted those groups via mail and phone to help identify Tribal historic or cultural resources within the APE.

EPA did not receive any information from any of these Indian tribes regarding the presence of historic properties that might be affected by the undertaking. However, the Gila River Indian Community, Yavapai Prescott Indian Tribe, and Hopi Tribe responded to the request in writing on August 24, August 9, and August 10, 2011, respectively (Attachment 1). Although the Gila River Indian Community did not have any historical concerns regarding the undertaking, they indicated that they do not support the approval of a new permit for the facility. They deferred to the Salt River Pima-Maricopa Indian Community as the lead in the consultation process. EPA contacted representatives at the Salt River Pima-Maricopa Indian Community and did not receive any responses. The Yavapai Prescott Indian Tribe and Hopi Tribe both indicated that they do not have historical concerns.

### **Conclusion**

Based on the foregoing and pursuant to 36 C.F.R. § 800.4(d)(1), EPA is making a determination of "No Historic Properties Affected" for the undertaking. Please let us know within 30 days of receipt of this letter if you object to this determination. If you have any questions, please contact Cynthia Ruelas of my staff at (415) 972-3329. Thank you for your assistance on this matter.

Sincerely,



Caleb Shaffer, Manager  
RCRA Facilities Management Office

### **Enclosures:**

- Figure 1 – Vicinity Map
- Figure 2 – Site Boundary & Area of Potential Effects
- Table 1 – Summary of Tribal Outreach
- Attachment 1 – Written Responses from Tribes

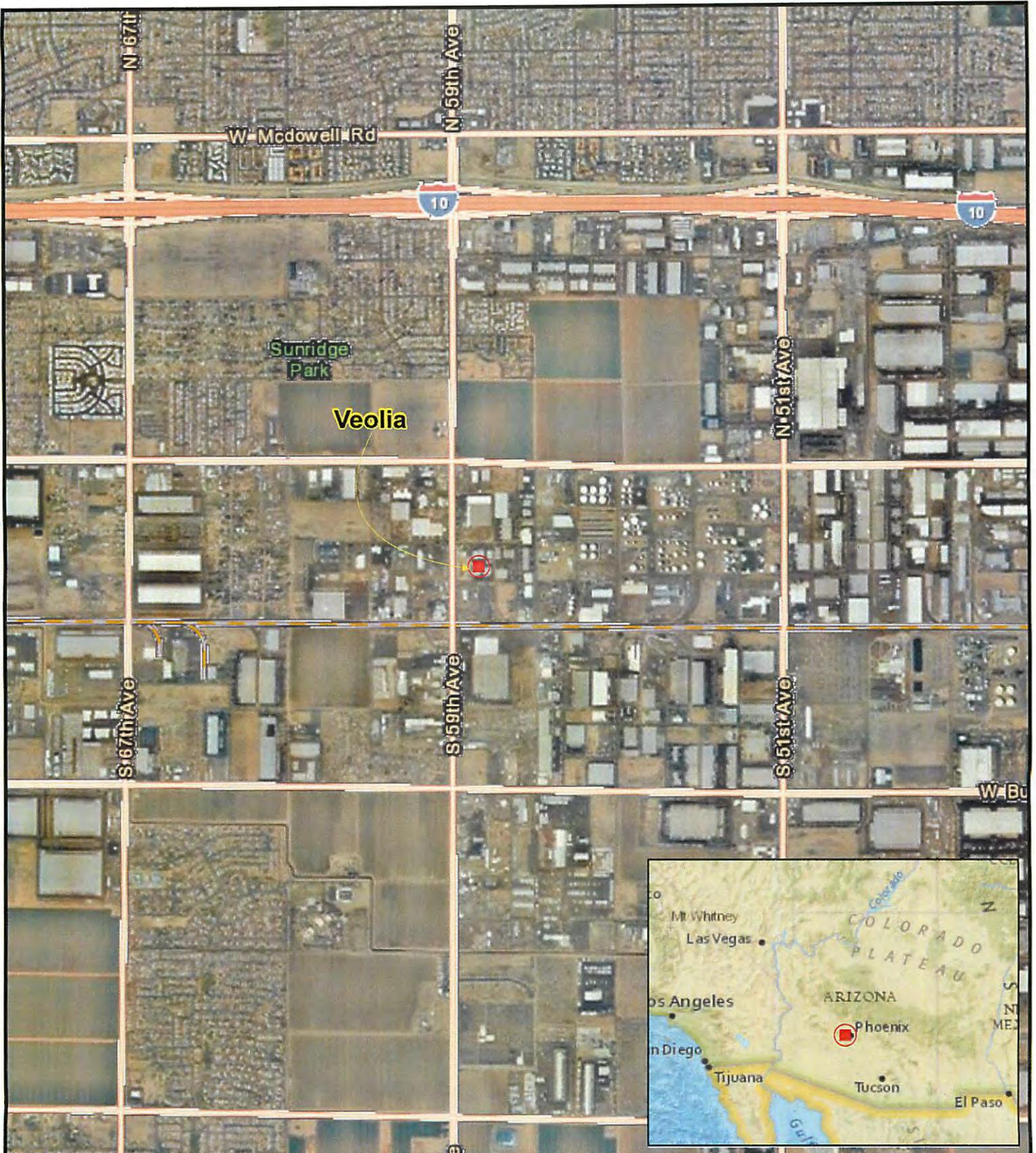
### **Electronic cc w/attachments:**

James D. Harrison, Operations Manager  
Veolia ES Technical Solutions, L.L.C.

Anthony Leverock, Hazardous Waste Permits Unit Manager  
Arizona Department of Environmental Quality

**FIGURES**

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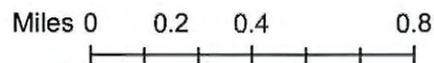


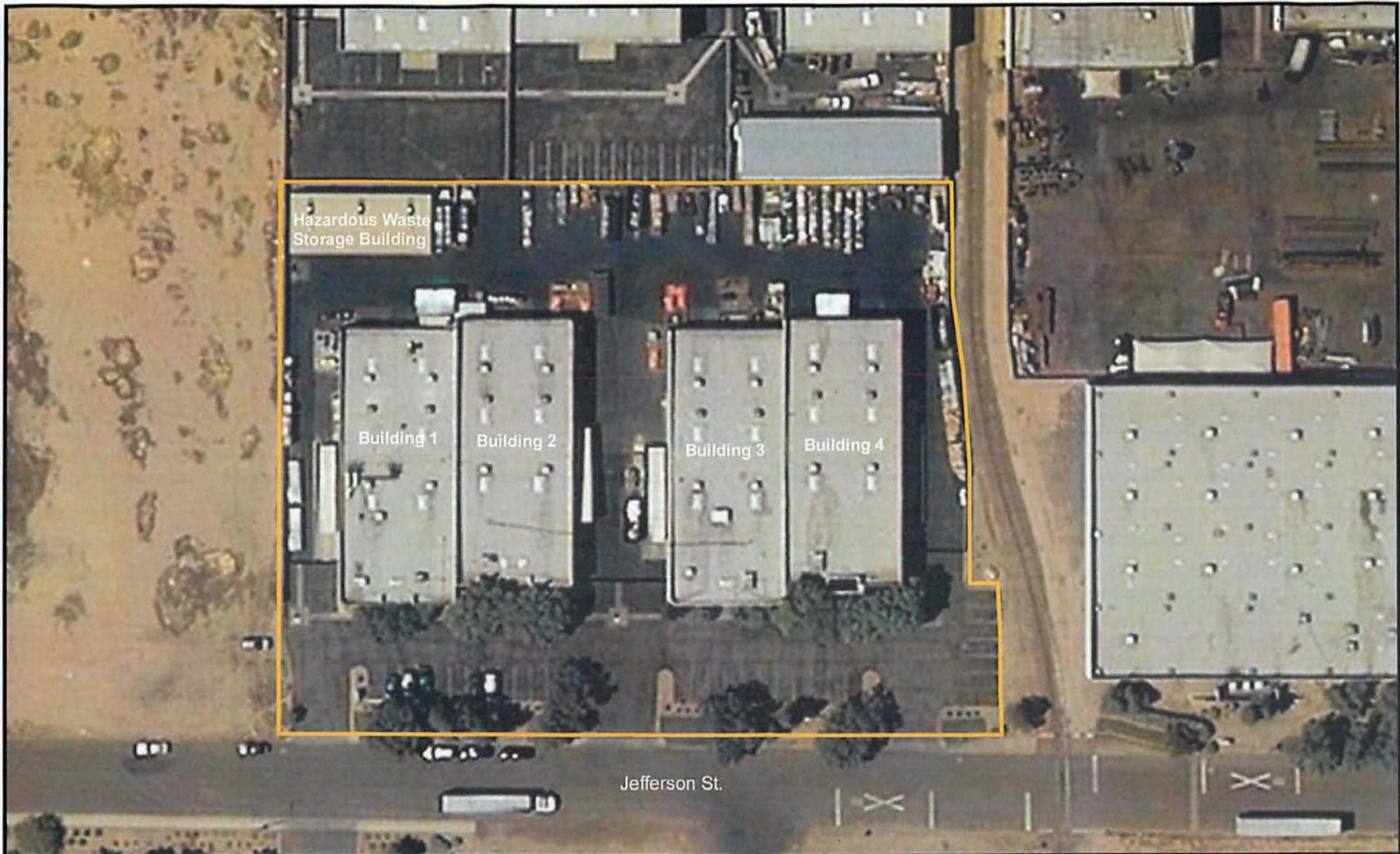
**Figure 1: Vicinity Map** **Veolia Environmental Technical Solutions, LLC**

5736 W. Jefferson St. Phoenix, AZ 85043



 Facility Location





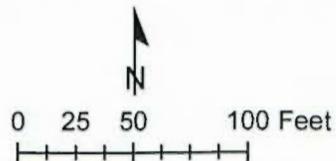
**Figure 2: Site Boundary & Area of Potential Effects**

**Veolia Environmental Technical Solutions, LLC**

5736 W. Jefferson St. Phoenix, AZ 85043



 Site Boundary & Area of Potential Effects



**TABLE 1**  
**SUMMARY OF TRIBAL OUTREACH**

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**Table 1 – Summary of Tribal Outreach**

<b>Tribe</b>	<b>Correspondence Date</b>	<b>Comments</b>
<b>AK-Chin Indian Community</b>	Letter sent 8/11/11 Email sent on 10/05/11	<i>No Response</i>
<b>Gila River Indian Community</b>	Letter sent 7/29/11	EPA received a letter response on 8/26/11, indicating no historical properties associated with tribe are impacted; however there are concerns with the permit. The Gila River Indian Community deferred to the Salt River Pima—Maricopa Indian Community as the lead.
<b>Salt River Pima-Maricopa Indian Community</b>	Letter sent 7/29/11 Email sent on 10/05/11 Phone call and follow-up email to Carol Hibbard on 12/15/11 Follow-up email to Carol Hibbard on 01/11/12 Email to Shane Anton on 01/11/12	<i>No Response</i>
<b>Tohono O’odham Nation</b>	Letter sent 7/29/11 Email sent on 10/05/11 Phone call and follow-up email 10/11/11	<i>No Response</i>
<b>Yavapai Prescott Indian Tribe</b>	Letter sent 7/29/11	The tribe responded on 8/9/11, indicating that they do not have any concerns.
<b>Pascua Yaqui Tribe</b>	Letter sent 7/29/11 Email sent on 10/05/11	<i>No Response</i>
<b>Yavapai-Apache Nation</b>	Letter sent 8/01/11 Email sent on 10/05/11	<i>No Response</i>
<b>Hopi Tribe</b>	Letter sent 8/01/11	The tribe responded on 8/10/11, indicating that there are no historical properties affected.
<b>Fort McDowell Yavapai Nation</b>	Letter sent 8/01/11 Email sent on 10/05/11	<i>No Response</i>
<b>Tonto Apache Tribe</b>	Letter sent 8/1/11 Email sent on 10/05/11 Phone call on 10/07/11	<i>No Response</i>

**ATTACHMENTS**

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# GILA RIVER INDIAN COMMUNITY

POST OFFICE BOX 2140, SACATON, AZ 85147

TRIBAL HISTORIC PRESERVATION OFFICE

(520) 562-7162

Fax: (520) 562-5083

August 24, 2011

Jeff Scott, Director  
United States Environmental Protection Agency  
Region IX  
75 Hawthorne Street  
San Francisco, California 94105

RE: WST-4 EPA ID AZ0000337360 Request for Tribal Consultation Section 106 NHPA at the Veolia ES Technical Solutions, L.L.C. Industrial Facility in Phoenix, Arizona

Dear Mr. Scott,

The Gila River Indian Community Tribal Historic Preservation Office (GRIC-THPO) has received your request for consultation letter dated July 22, 2011. The letter describes an United States Environmental Protection Agency, Region 9 (U.S. EPA) undertaking to renew an existing permit to store and process wastes containing Polychlorinated Biphenyls for the Veolia ES Technical Solutions, L.L.C. (Veolia), 5736 West Jefferson Street, Phoenix, Arizona. Veolia is located in a heavily developed, industrial area of Phoenix. There will be no expansion, excavation work, or new construction. The facility is self-contained and covers an area 2.4 acres in size.

The GRIC-THPO identifies no religious or culturally significant sites within the project area. The GRIC-THPO understands the necessity of having facilities such as the Veolia facility, but we would not support approval of a new permit for the facility. The proposed project area is within the ancestral lands of the Four Southern Tribes (Gila River Indian Community; Salt River Pima-Maricopa Indian Community; Ak-Chin Indian Community and the Tohono O'Odham Nation). The GRIC-THPO defers to the Salt River Pima Maricopa Indian Community (SRP-MIC) as lead in the consultation process.

If you have any questions please do not hesitate to contact me or Archaeological Compliance Specialist Larry Benallie, Jr. at 520-562-7162.

Respectfully,

Barnaby V. Lewis  
Tribal Historic Preservation Officer  
Gila River Indian Community

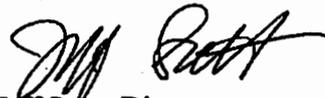
of Historic Places can be found. The closest site listed on the National Register of Historic Places is over two miles to the north of Veolia.

There is no expansion of the existing Veolia facility or excavation work involved with this permit renewal project. The facility currently occupies approximately 2.4 acres. All of the storage and processing of PCBs at Veolia is done inside within contained areas. The contained areas are constructed of either sealed concrete floors surrounded by continuous 6-inch high curbs or steel plates with sides welded together.

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, have any information on cultural resources near our project site, or 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,



Jeff Scott, Director  
Waste Management Division

Enclosure

cc: Diana P. Deming, Arizona Department of Environmental Quality

- CONCUR
- CONCUR - NO CONCERNS
- SEE ATTACHED

*Gregory J. Blaine* Aug. 9, 2011  
YAVAPAI-PRESCOTT INDIAN TRIBE  
CULTURE RESEARCH DEPARTMENT  
COMPLIANCE OFFICER



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

Certified Mail No. 7010 2780 0000 8388 878  
Return Receipt Requested

In Reply WST-4  
Refer To: Veolia ES Technical Solutions, L.L.C.  
EPA ID AZ0000337360

July 22, 2011

President Ernest Jones Sr.  
Yavapai-Prescott Indian Tribe  
530 East Merritt Street  
Prescott, Arizona 86301

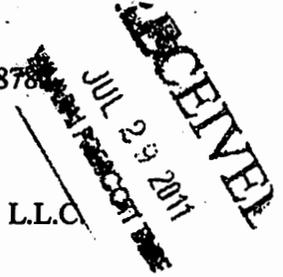
Re: Request for Government-to-Government Tribal Consultation Under Section 106 of the National Historic Preservation Act for an Undertaking at the Veolia ES Technical Solutions, L.L.C. Industrial Facility in Phoenix, Arizona

Dear President Jones:

The United States Environmental Protection Agency, Region 9 ("U.S. EPA") has received an application from Veolia ES Technical Solutions, L.L.C. ("Veolia") to renew its existing permit to store and process 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 of the permit with no new construction. 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.

Veolia is located in an industrial area of Phoenix, Arizona at 5736 West Jefferson Street between South 57<sup>th</sup> Drive and South 59<sup>th</sup> Avenue. To help with this request, we have enclosed a map that depicts where the Veolia facility is located (township and range) and shows its proximity relative to sites listed on the National Register of Historic Places. We created the map using Google Earth and a National Park Service database that shows where sites listed on the National Register



of Historic Places can be found. The closest site listed on the National Register of Historic Places is over two miles to the north of Veolia.

There is no expansion of the existing Veolia facility or excavation work involved with this permit renewal project. The facility currently occupies approximately 2.4 acres. All of the storage and processing of PCBs at Veolia is done inside within contained areas. The contained areas are constructed of either sealed concrete floors surrounded by continuous 6-inch high curbs or steel plates with sides welded together.

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Sincerely,



Jeff Scott, Director  
Waste Management Division

REC'D : 0

Enclosure

cc: Diana P. Deming, Arizona Department of Environmental Quality

no historic properties  
significant to the  
Hopai Tribe identified

Margaret  
for  
Kousenwisiwima

7-5-11



Terry

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

**RECEIVED**

**AUG 1 2011**

**THE HOPI TRIBE  
OFFICE OF THE CHAIRMAN**

Certified Mail No. 7010 2780 0000 8388 8785  
Return Receipt Requested

In Reply WST-4  
Refer To: Veolia ES Technical Solutions, L.L.C.  
EPA ID AZ0000337360

July 22, 2011

Chairman LeRoy Shingoitewa  
The Hopi Tribe  
P.O. Box 123  
Kykotsmovi, Arizona 86039



Re: Request for Government-to-Government Tribal Consultation Under Section 106 of the National Historic Preservation Act for an Undertaking at the Veolia ES Technical Solutions, L.L.C. Industrial Facility in Phoenix, Arizona

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