

# U.S. EPA Requests Public Comment on Proposed PCB Permit for US Ecology Nevada, Inc.



August 2012

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U.S. Environmental Protection Agency, Region 9  
75 Hawthorne Street (WST-4)  
San Francisco, CA 94105  
Attn: Ronald Leach



## Inside... U.S. EPA Requests Public Comment on Proposed PCB Permit for U.S. Ecology Nevada, Inc.

**ATTEND A PUBLIC MEETING:** The U.S. EPA invites you to attend an informational Public Meeting and Hearing on September 13, 2012 from 6:00 - 8:00 pm at the Beatty Community Center located at 100 A Avenue South, Beatty, NV 89003.

**PROVIDE COMMENTS:** Comments may be submitted to U.S. EPA during a 45-day public comment period which begins on August 10, 2012 and ends on September 24, 2012. Comments may be submitted in writing via mail, email or fax or in person at the public meeting and hearing on the proposed PCB Approval (Permit). Written comments should be faxed, emailed or postmarked on or before September 24, 2012 and sent to the contact below.

**For questions, concerns or further information, please contact:**

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

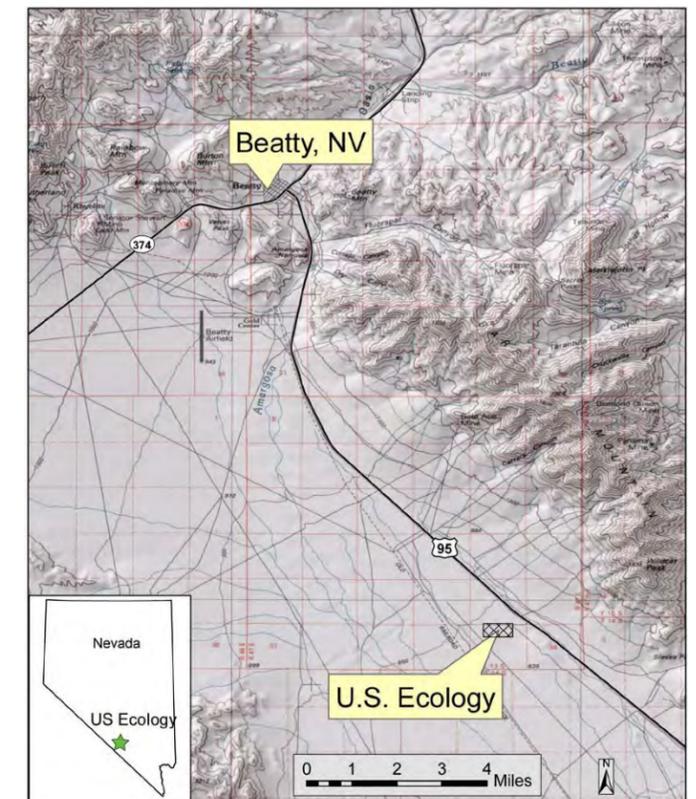
Phone number: (415) 972-3362  
Fax number: (415) 947-3530  
Email: leach.ronald@epa.gov

## Introduction

The United States Environmental Protection Agency ("U.S. EPA") invites you to comment on its proposed Approval (permit) for the US Ecology Nevada, Inc. ("U.S. Ecology") facility located approximately 11 miles southeast of Beatty, Nevada. U.S. EPA's proposed Approval will allow US Ecology to continue: (1) commercial storage of polychlorinated biphenyl ("PCB") wastes; (2) treatment of PCB wastes in two stabilization tanks for final disposal; and (3) disposal of PCBs in the Trench 11 landfill. The proposed Approval will also, for the first time, (1) 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, and (2) include the State of Nevada, the site owner, as a co-permittee for purposes of closure and post-closure care only.

U.S. EPA is also, as required by Section 106 of the National Historic Preservation Act ("NHPA"), requesting public comment on its determination that historic properties will not be affected by the Approval decision.

The proposed action is a renewal and modification of an Approval issued by U.S. EPA in 1996. According to U.S. EPA regulations under the Toxic Substances Control Act ("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 Approval issuance, renewal and modification as a permit.



7.5' topographic map (Carrara Canyon Quadrangle)

Site Location Map, US Ecology Nevada

## Proposed Decision

The proposed Approval includes conditions that US Ecology must follow in order to comply with TSCA to safely store, treat for disposal, and dispose of PCB wastes at the Beatty, Nevada facility. An example of a condition in the Approval is a limit on the overall maximum amount of PCB wastes that can be disposed of in the landfill units. U.S. EPA has also prepared a Statement of Basis ("SB") that summarizes and provides rationale for the terms of the proposed Approval.

**Need More Information? See page 3.  
Want to Comment? See page 4.**

The proposed Approval allows US Ecology to:

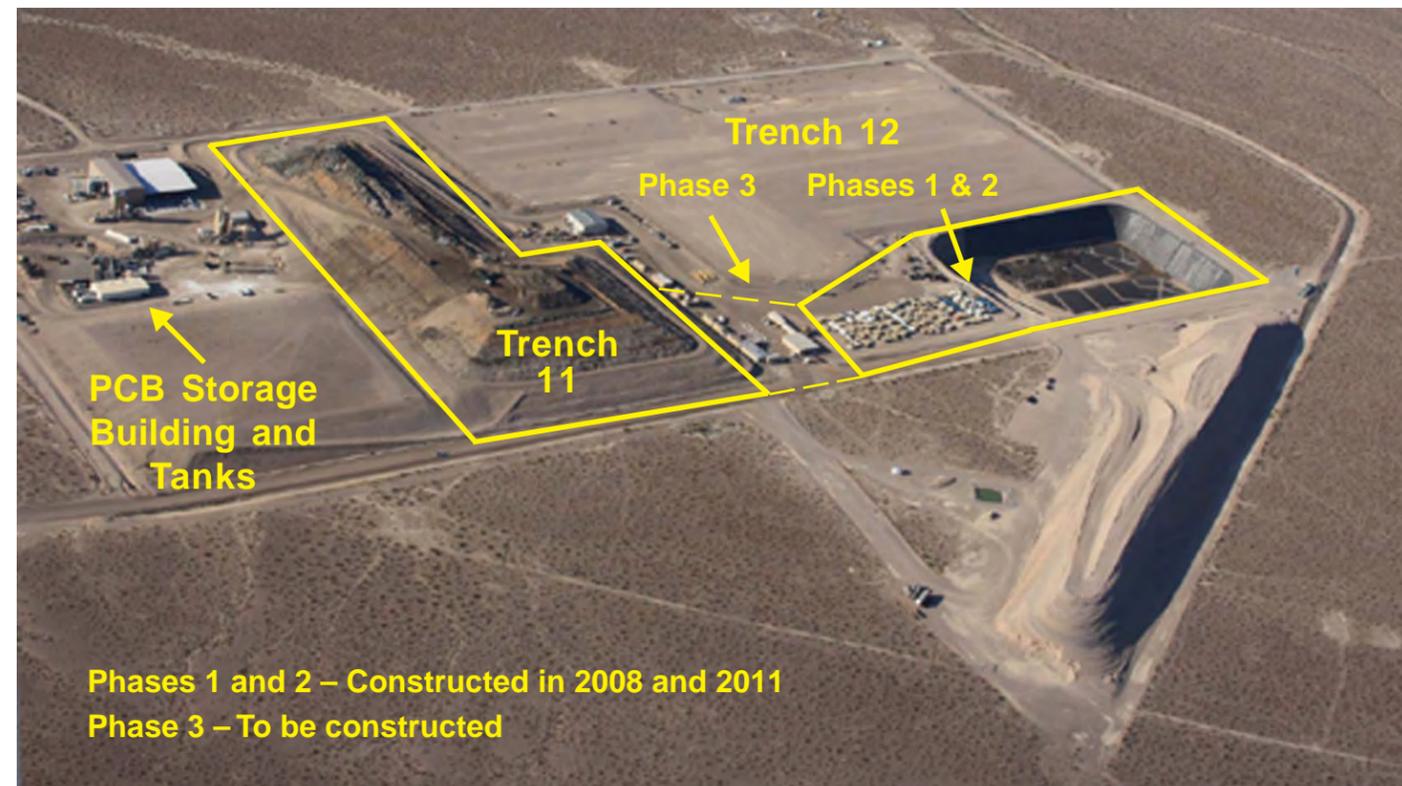
- Store up to 59,400 gallons of PCB wastes in containers;
- Store up to 28,000 gallons of PCB waste in tanks;
- Treat for disposal up to 137,000 gallons per day of PCB waste; and,
- Dispose of a maximum of 4.02 million cubic yards of PCB waste in the Trench 11 and Trench 12 landfills. Trench 12 is being constructed in three separate phases. The first phase was constructed in 2008 and the second phase in 2011.

The Approval will also require US Ecology to make the following improvements:

- Construct a new sealed concrete Tank Truck Loading Pad; and,
- Construct new sealed concrete secondary containment for the PCB tank storage area.

The proposed Approval will be valid for ten years, and includes the following requirements:

- Regular worker health and safety training;
- Monitoring requirements and regular reporting to U.S. EPA;
- Immediate notification to U.S. EPA if there are any PCB spills over one pound; and,
- Procedures for modifying the Approval conditions (including seeking public comment on proposed modifications).



Phases 1 and 2 – Constructed in 2008 and 2011  
Phase 3 – To be constructed

US Ecology Nevada Facility – 2008 Aerial Photograph

## Facility Description

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, approximately 11 miles northwest of the facility (see Site Location Map). The facility treats, stores and disposes of hazardous waste, PCBs, and non-hazardous industrial material. The hazardous waste operations are permitted separately by the Nevada Division of Environmental Protection. The site is owned by the state of Nevada and operated by US Ecology.

## No Unreasonable Risk

Based on reviews of US Ecology's Renewal Application (1/8/10), a Biological Evaluation (2/28/12), a Screening Level Ecological Risk Assessment (2/28/12), a PCB Surface Soil Sampling Report (9/12/11), and the results of the most recent inspection, U.S. EPA has determined that the operation of this PCB storage and disposal (landfill) facility does not pose an unreasonable risk to human health or the environment.

The most recent PCB inspection was conducted by U. S. EPA from April 26, 2011 to April 28, 2011, and showed that there were only minor TSCA violations. These violations regarded labeling and dating containers, and were corrected during the site visit. Therefore, based upon this inspection and other readily available information, the facility is in compliance with its current Approval and the TSCA PCB regulations at 40 C.F.R. Part 761. The Facility will continue to be inspected by U.S. EPA on a regular basis.

## Historic Properties Not Affected

U.S. EPA has made a determination under Section 106 of the NHPA that historic properties will not be affected by renewal and modification of the Approval for management of PCB wastes at the Facility. This determination is further discussed in the Statement of Basis, which is part of the Administrative Record, and is located at the three information repositories (see next column).

## Endangered Species Not Affected

U.S. EPA has also determined under Section 7 of the Endangered Species Act that management of PCB wastes at the US Ecology facility, as allowed in the Approval, "will not affect" any listed species or designated critical habitat. This includes the desert tortoise, the only federally listed endangered species likely to occur near the Facility. This

determination is further discussed in the Statement of Basis, which is part of the Administrative Record, and is located at the three information repositories (see below).

## Next Steps in the Permitting Process

U.S. EPA will make a final decision on the renewal and modification of the US Ecology TSCA Approval after we have considered all public comments submitted during the 45-day comment period. Anyone commenting on the proposed decision will receive a copy of our response to comments. U.S. EPA will provide written notice of our final decision to everyone on our mailing list. To ensure you are on it, or to be added, please contact U.S. EPA (see page 4).

## For More Information

You 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 in San Francisco, California.

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, NV 89003-0129 and the Nevada Division of Environmental Protection office in Las Vegas, Nevada ("NDEP") at 2030 E. Flamingo Rd., Ste. 230, Las Vegas, NV 89119.

The most pertinent documents used in the decision making process can also be found on U.S. EPA's website at [www.epa.gov/region9/pcbs/usecology/](http://www.epa.gov/region9/pcbs/usecology/). If you wish to view a document listed in the index that cannot be found online, at the Beatty Library or NDEP Office, please contact U.S. EPA (see page 4) for a copy.

To contact U.S. EPA, attend a public meeting, or provide comments, see page 4.