



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

Purpose: CERCLA Off-Site Rule Acceptability Renewal Evaluation
And RCRA Compliance Evaluation Inspection

Date of Evaluation: June 19 and 20, 2001

Facility: US Filter/Estates Carbon
A Vivendi Water Company
AZD982441263

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Parker, Arizona

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Date of Report: August 09, 2001

1. Purpose of Inspection

The purpose of the compliance evaluation inspection (CEI) conducted at US Filter/Westates Carbon (a Vivendi Water Company - EPA identification number AZD982441263), was to determine compliance with all applicable requirements of the Resource Conservation and Recovery Act (RCRA) and to renew the determination that Westates Carbon (“Westates”) was eligible to continue to receive waste pursuant to the CERCLA (Comprehensive Emergency Response, Compensation Liability Act) Off-Site Rule. The Off-Site Rule is found in the amendments to the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR §300.440. The inspection was conducted on June 19 and 20, 2001.

In order to be considered “acceptable” to receive CERCLA waste, a facility must be in substantial compliance with all applicable regulatory requirements. The principle regulatory requirements applicable to Westates and considered during the inspection were the interim status provisions and generator requirements of the Resource Conservation Recovery Act (RCRA). Interim status is a temporary authorization to operate pending final permit decision by EPA Region 9. The RCRA requirements applicable to Westates are found in the Code of Federal Regulations (CFR) Title 40, Parts 262, 265 and 268. Provisions of the Clean Water Act (CWA) and the Clean Air Act (CAA) are also discussed in this report.

2. Facility Information

Westates is a hazardous waste treatment and storage facility located on the Colorado River Indian Reservation near Parker, Arizona (*See Attachment #1 for map and Attachment #2 for Site Plan*). Westates treats spent carbon that has been used to treat air or contaminated groundwater. Activated carbon becomes ‘spent’ when it becomes so saturated with the contaminants that the carbon is no longer effective in removing the hazardous contaminants. In most cases, the spent carbon is considered to be hazardous waste (*See Attachment #3 for the list of hazardous wastes accepted at Westates*).

The spent carbon is treated in a carbon regeneration furnace (RF-2) (*See Attachment #4 for carbon reactivation flow diagram*). The organic constituents are thermally treated by the high temperatures in the reactivation furnace. An afterburner thermally oxidizes the organic constituents. A venturi scrubber connected to the packed bed scrubber operates in conjunction with the wet electrostatic precipitator to remove particulate matter (frequently containing metals) and control acid gas. Blowdown water from the packed-bed scrubber is discharged to the publicly owned treatment works, Colorado River Sewage System Joint Venture (CRSSJV).

This report builds upon and references information contained in previous inspection reports, in particular, the EPA Region 9 inspection report from the December 1998 inspection (*See Attachment #5 for EPA inspection report*). The EPA report for the December 1998 inspection contains process details and a detailed regulatory history up until the time of that inspection. Additional general facility information can be found in a series of Fact Sheets prepared by EPA Region 9 (*See Attachment #6 for series of Fact Sheets*).

3. Findings

The following table outlines the specific areas evaluated. Attachments pertaining to the areas evaluated are referenced. Additional documents reviewed to determine RCRA compliance are found in the 1995 RCRA Part B RCRA Permit Application.

Areas of Potential Violation are described in the **Document Reviewed/Compliance Status** column. Further discussion and remedy suggestions are found in the **Conclusion/Comments** column. If no designation of ‘potential violation’ is included in the **Compliance Status** column, no potential violation was found as a result of the document review or visual observation.

Requirement Evaluated	Document(s) Reviewed and/or Compliance Status	Conclusion/Comments
Part 262 - Generator Requirements Subpart B - The Manifest 262.20 - 262.23 Subpart C - Pre-Transport 262.34	Reviewed Hazardous Waste Manifests.	
Part 262 /Generator Requirements - Satellite Accumulation 262.34(c)(1)(i)/265.173(a) and 262.34(c)(1) (ii) -	262.34(c)(1)(i) requiring compliance w/265.173(a) Potential Violation - A drum in the satellite accumulation area holding discarded samples was not closed. 262.34(c)(1)(ii) Potential Violation The drum in the satellite accumulation area was not marked “Hazardous Waste .	<i>See Section #4 in Report and Photos 3 & 4</i> Remedy - Close the drum holding the discarded hazardous waste sample jars and label the drum “Hazardous Waste” or change the procedure for handling samples of hazardous waste.

Part 265 - RCRA Interim Status Standards		
Subpart B - General Facility Standards 265.11 to 265.19		
265.13 <u>General Waste Analysis</u>	o Reviewed Waste Analysis Plan in Part B Permit Application.	
265.15 - <u>General Inspection Requirements</u>	o Reviewed Daily Inspection Checklists including Stack Plume Hourly Observations. <i>Attachment #7</i>	
265.16 - <u>Personnel Training</u> 265.16 (d)(2)	o Reviewed Job Descriptions and Training Materials. <i>Attachment #8</i> 265.16 (d)(2) Potential Violation - Written Job Description must include duties of personnel assigned to each position & requisite skill.	Included among the duties of two employees, were the visual observation of stack plume emissions for normal appearance (color and opacity) required in 265.377. The training summary for one of the two employees doing the visual observation does not identify this duty or specify training required. <u>Remedy</u> - Specify and document training & skill required for the employees performing this function.
Subpart C - Preparedness and Prevention - 265.31 to 265.37	o Reviewed Contingency Plan in Part B Permit Application. <i>- Attachment #19</i>	
265.37(a) (2) - Designation of primary emergency authority	o Reviewed Section 4.0, 5.0 and Appendix A in the Contingency Plan. <i>- Attachment #19</i> 265.37(a) (2) Potential Violation - While the required agreements were available, the agreements did not specify the police or fire department with <u>primary</u> emergency authority.	<u>Remedy</u> - Amend plan to reflect designation of primary police and fire department. <u>Additional Recommendation</u> - Change area code from 602 to 520 on the list of Responsible Agencies.
Subpart D -Contingency Plan and Emergency Procedures - 265.51 to 265.56	o Reviewed - E.2 Safety and Security Devices and diagram in Part B Permit Application and Contingency Plan in Part B Permit Application.	
Subpart E - Manifests - 265.70 to 265.77	o Reviewed Manifests (F039)(area of focused review). <i>Attachment #9</i>	See discussion under LDR - 268.7 & <i>Section #7</i> of Report

Subpart G - <u>Closure</u> - 265.112	o Reviewed Closure Plan & Performance Demonstration in Part B Permit Application. <i>Attachment #10 & Attachment #11</i>	<i>See Section #5 of Report</i>
	<p>265.112(b)(4) <u>Potential Violation</u> - Closure Plan did not contain a detailed description of steps to close two multiple hearth furnaces (RF-1/RF-2).</p> <p>265.112(c)(1)(i) <u>Potential Violation</u> - Closure Plan was not amended to reflect cessation of operation of RF-1 in 1996.</p> <p>265.112(c)(2) - <u>Potential Violation</u> - Closure Plan was not amended at least 60 days prior to change in facility design or operation.</p> <p>265.112(d)(2) - <u>Potential Violation</u> - The date that closure was to have begun exceeded 30 days after RF-1 received the final volume of hazardous waste.</p>	<p><u>Remedy</u> - Revise Closure Plan to include a detailed description of steps to close a multiple hearth furnace.</p> <p><u>Remedy</u> - Amend Closure Plan to reflect permanent non-operational status of RF-1 and implement revised plan to close RF-1.</p>
Subpart H - <u>Financial Assurance</u>	o Wording of instruments was reviewed by Region 9 Financial Assurance Coordinator. <i>Attachment #12</i>	
Subpart J - <u>Tank Systems</u> 265.193	o Reviewed Containment Pad Calculations. <i>Attachment #13</i> 265.193(e)(1)(i) and (ii). - <u>Potential Violation</u> The external liner for the tank system did not appear to be designed or operated to contain 100% of the capacity of the largest tank and contain run-on as required by 40 CFR 265.193(e)(1)(i) and (ii).	<p><i>See Section #6 in report and Photos 5, 6 & 7</i></p> <p><u>Remedy</u> - Improve secondary containment to adequately contain 100% of the capacity of the largest hazardous waste tank.</p> <p>- Prevent run-on from sloped roof (5 or 6 down spouts terminate in the secondary containment area) and adjacent paved area on the other side of the berm where the pavement is at the same grade as the berm.</p>

	265.193(e)(1)(iii)- <u>Potential Violation</u> - External liner system did not appear free of cracks or gaps.	<i>Photos 8 & 9</i> <u>Remedy</u> - Repair pad and/or verify that the pad is designed to prevent migration of wastes or accumulated liquid out of the system (265.193(b)(1)).
Subpart P - <u>Thermal Treatment</u> - 265.377	265.377 - Monitoring & Inspection We observed a facility representative conduct a stack plume emission evaluation for opacity.	<i>See Personnel Training module in this table.</i>
Subpart CC - Air Emissions for Tanks, Surface Impoundments & Containers	o Reviewed EPA December 2000 Inspection Report. <i>Attachment #5</i> Status - Storage Tanks T-1, 2, 5, 6; are regulated under 40 CFR Part 61, exemption from RCRA Subpart CC requirements under 40 CFR 265.1080 (a)(7) applies.	<i>See Attachment #5 - EPA Inspection Report - December 1998</i>
Part 268 - Land Disposal Restrictions	o Reviewed Manifests and F039 Multisource Leachate Form. <i>Attachment #9 & Attachment #14</i> 268.7 (a)(2) Testing, Tracking & Record keeping Requirements for Generators Treaters, Disposal Facilities [268.7 (a)(4)]. <u>Area of Concern</u> - Compliance Status to be determined based upon additional information and discussion with Westates.	<i>See Section #7 in report</i> - LDR requirements for F039 were reviewed. The next step is to ascertain consistency and rationale of facility practices for matching incoming generator profile information with outbound (Westates as generator) profiles for EPA Waste Code F039.

Other Applicable Requirements	Pertinent Documents /Status or Comments
Clean Water Act	<p><i>o Reviewed Attachment #15</i></p> <p>- January 22, 2001 was the effective date of a final rule under the Clean Water Act (CWA) effluent limitations guidelines and standards pertaining to wastewater discharges from the centralized wastewater treatment industry. EPA Region 9 and EPA Headquarters have concluded that Westates is a member of the class of facilities subject to the categorical pretreatment standards.</p> <p>-Westates is required to submit a Baseline Monitoring Report required by 40 CFR §403.12. This was due on July 23. <u>The report has been submitted late.</u> The report is being evaluated for completeness by the Region 9 CWA Standards and Permits Office .</p>
Clean Water Act	<p><i>Reviewed Attachment #16</i></p> <p>- The Draft NPDES permit and fact sheet for the permit [AZ0021415] reissuance for the Colorado River Sewer System Joint Venture were transmitted by EPA to CRSSJV June 28, 2001. The Fact Sheet contains information re: Westates discharge which comprises about 16% of total wastewater treated at CRSSJV.</p>
Clean Air Act - Title V	<p><i>Reviewed Attachment #17</i></p> <p>- EPA Region 9 Air Division determined that Westates may continue to defer Title V permitting and that Westates is not subject to Subpart EEE of the Clean Air Act.</p> <p>- EPA Region 9 Waste Management Division determined that the provisions of Subpart EEE will be considered during review of Westates' RCRA permit application.</p>

4. Satellite Accumulation Area

Inside the roofed warehouse (*See Attachment # 2 - Site Plan*) where spent and reactivated carbon was stored, inspectors observed shelves containing small jars of spent carbon samples. The inspectors concluded that the spent carbon samples were samples of hazardous waste. The shelving was marked "hazardous samples". These samples of incoming waste from generators are retained for a few months. Subsequently, the small containers are placed in an open drum to the right of the shelves (*See Photos 3 & 4*). The facility representatives were informed by the inspectors that the drum holding the small jars of discarded samples of hazardous waste was considered to be a 'satellite accumulation area'. The definition of a 'satellite accumulation area' is described in §262.34(c)(1):

“A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided he:

- (i) Complies with 40 CFR §§ 265.171, 265.172 and 265.173(a) of this chapter; and
- (ii) Marks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers”.

Conclusion

The point of generation is the location in the roofed warehouse where the samples are removed from the shelves when a decision is made to no longer retain them and the sample containers are placed in the drum. The drum was not closed in accordance with 40 CFR §262.34 (c)(1)(i), which requires compliance with 40 CFR §265.173(a). The drum was not labeled with the words “Hazardous Waste”, and was therefore in violation of 40 CFR §262.34(c)(1)(ii).

5. Closure Requirements

Content of Plan and Lack of Detailed Description of Steps to Address Closure Performance Standard

At the time of the inspection, the facility had two carbon reactivation units: RF-1 and RF-2. RF-1 had effectively ceased receiving hazardous waste for treatment. EPA Inspectors were informed that RF-1 became non-operational on or about June 1996.

On June 3, 1994, EPA Region 9 Permits and Solid Waste Branch Chief, Michael Feeley discussed the construction of the second thermal treatment unit in a letter (*Attachment # 18*) to Mr. Monte McCue, Westates Plant Manager. The central topic addressed in the letter concerned alternatives to ensure that the facility’s total capacity of 1200 lb/hr dry product specified on the Part A application for a RCRA permit would not be exceeded. The letter clarified that the existing unit (RF-1) would need to be ‘disabled’ . Disabling the existing unit, RF-1, consisted of “locking out the starters of the motors for the unit’s drive, cooling air fan, combustion air blowers and induced draft fan.”

The Performance Demonstration Plan - Revision 1 (*Attachment # 2*) describes the reactivation unit (RF-2) as a ‘multiple hearth furnace’. The following is an extract from section 2.2.1 of the Performance Demonstration Plan describes the operation of the multiple hearth furnaces:

“The furnace has an outside diameter of 12 feet 10 inches and is 19 feet 8 inches in height. The furnace has approximately 9 feet 6 inches clearance from the carbon discharge flange to the finished floor. The shell is manufactured of carbon steel plate. The furnace was

continuously seal welded internally to assure an air tight assembly. The furnace is internally lined with block firebrick and block insulation. The hearth and furnace roof are constructed of firebrick. The furnace roof is composed of firebrick backed with block insulation and castable insulation to fill all voids under the roof cover plates. The bottom hearth is insulated with block insulation and castable refractory. High strength castable refractory is used to insulate the center shaft and rabble arms. Extra strength castable refractory is used for backing of skewbacks. Extreme temperature castable refractory is used for burner settings and insulation castable is used for door linings.”

“Spent carbon is introduced into the top hearth of the reactivation unit and flows downward through the remaining four hearths. The top two hearths are unfired hearths. Combustion gasses generated in the bottom three hearths are used to complete the dewatering of the spent carbon. The bottom three hearths are fired hearths where pyrolysis and reaction steps of the reactivation process occur. Rabble arms, with teeth, each connected to a rotating center shaft, are located above each hearth. The center shaft is air cooled. The rabble teeth plow the carbon material across the hearth surface and towards drop holes. The carbon falls through the drop holes to the next lower hearth, and eventually to the outlet of the reactivation unit. Reactivated carbon exits the bottom hearth through a cooling screw. RF-2 is equipped with a primary combustion air fan (B-7), and a center shaft cooling fan (B-8). Steam from one of the two small boilers is introduced into RF-2 to complete the reactivation process.”

40 CFR §265.112(b) *Content of plan* states: “The plan must identify steps necessary to perform partial and/or final closure of the facility at any point during its active life. The closure plan must include, at least:(4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated system components, equipment, structures, and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard;....”

The closure plan does not specifically address the closure of two multiple hearth furnaces used to treat hazardous waste. The details of steps to be taken during closure deals primarily with the tanks. The following is a brief outline showing the minimal level of detail that is not included in the closure plan addressing closure of the multiple hearth furnaces:

- o rationale for determining which components of the furnaces would be tested for contamination;
- o specification of methods to determine constituents most likely to be found (the list of contaminants on page. 8 of the closure plan does not list metals or products of incomplete combustion; therefore, analytical methods for dioxin or metals are not included);
- o description of methods for dismantling the structures and removal of the brick;
- o description of the fate of the refractory brick and basis for determination whether or not the brick

is hazardous waste;
o transportation or disposal of waste originating from the dismantling of the furnaces;
o inclusions of the venturi scrubber, packed bed scrubber, wet electrostatic precipitator as equipment to decontaminate.

[The preceding list is the result of a focused initial review of the closure plan in relation to the multiple hearth furnaces (RF-1 and RF-2) only, and does not represent a complete assessment of all potential closure plan deficiencies.]

Conclusion

Failure to include a detailed description of the steps specifically needed to address closure of the two multiple hearth furnaces is a violation of 40 CFR §265.112(b)(4).

Closure Plan and Current Operating Conditions

At the time of the inspection, Westates was using ‘carbon reactivation’ thermal treatment unit RF-2. Thermal treatment unit RF-1 had ceased treating hazardous waste in about June 1996 - five years ago. The current Closure Plan Table 5-1 lists RF-1 as ‘existing’ and RF-2 as ‘anticipated’. §40 CFR §265.112(c)(1) *Amendment of plan* (1) states: “The owner or operator must amend the closure plan whenever: (i) changes in operating plan or facility design affect the closure plan, ...” The cessation of operation of thermal treatment unit RF-1 is considered a change in facility design that affects the closure plan.

Conclusion

The facility did not amend the closure plan to reflect the change in facility design that consisted of cessation of utilization of RF-1 to treat hazardous waste and the operation of RF-2 resulting in a violation of 40 CFR §265.112(c)(1)(i).

Amendment of Closure Plan Prior to Proposed Change in Facility Design and Operation

40 CFR §265.112(c)(2) states: “The owner or operator must amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan.” The closure plan has not been amended to reflect the fact that RF-1 has not been operational since 1996. Table 5-1 still lists RF-1 as ‘existing’.

Conclusion

The failure to amend the closure plan at least 60 days prior to the change in facility design or operation is in violation of 40 CFR §265.112(c)(2) .

Commencement of Unit Closure after Receipt of Final Volume of Hazardous Waste

40 CFR §265.112(d)(2) states: “The date when he “expects to begin closure” must be either: (i) Within 30 days after which any hazardous waste management unit receives the known final volume of hazardous wastes, or, there is a reasonable possibility that the hazardous waste unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste.” RF-1 has not been closed. The most recent receipt of hazardous waste was in approximately June 1996. The only specific reference for time allowed for closure of the reactivation units and the air pollution control devices is found in Table 4-2 of the Closure Plan. The date on which closure of reactivation unit RF-1 should have commenced should have been within 30 days after receipt of the final volume of waste for treatment in that unit.

Conclusion

The failure to commence closure within 30 days of receipt of final volume of waste is in violation of 40 CFR §265.112(d)(2).

6. Secondary Containment

The secondary containment requirements in 40 CFR 265.193(e) state that the external liner for a tank system be designed or operated to contain 100% of the capacity of the largest hazardous waste tank. In addition, it must be designed or operated to prevent run-on or infiltration of precipitation into the secondary containment system unless the collection system has sufficient excess capacity to contain run-on or infiltration. Such additional capacity must be sufficient to contain precipitation from a 25-year, 24-hour rainfall event.

The secondary containment pad calculations in the Part B permit application showed that the capacity of the pad exceeded these requirements (largest tank and rainfall) by **8786.43** gallons (Attachment # 13 Westates Containment Pad Calculations).

However, during the inspection, it was noted this excess capacity is not correct for the following two reasons:

Reason #1:

There is a roofed warehouse on the west side of the pad. Half of its roof slopes toward the secondary containment pad (*Photo 7*). During the inspection it was noted that all of the roof gutter down spouts on this half of the warehouse were terminating inside the secondary containment pad (*Photo 6*).

Drawing #D14789-01 in the Part B permit application shows that the warehouse adjacent to the pad is 80' wide by 160' long. This would result in an additional 9773.87 gallons of run-on which the pad (from the down spouts) would have to be designed to contain. The calculation for this figure is as follows:

$$\frac{1}{2} \text{ warehouse roof area} = (80' * 160') / 2 = 6400 \text{ sq. ft}$$

$$\text{Rainfall event} = 2.45" \text{ (from Part B application)} = 2.45"/(12 \text{ in./ft}) = .204 \text{ ft}$$

$$\text{Additional rainfall} = 6400 \text{ sq. ft} * .204 \text{ ft} * 7.48 \text{ gal./cubic ft} = \mathbf{9773.87} \text{ gal.}$$

However, as noted above, the pad's excess capacity is only 8786.43 gallons. The run-on from the warehouse roof would exceed this excess capacity by 987.44 gallons (8786.43 - 9773.87).

Reason #2:

An asphalt paved area is located on the east side of the secondary containment pad. The secondary containment pad is below grade (*Photo 5*). At the inspector's request, a facility representative sprayed some water onto a small portion of the paved area next to the pad. Some of the water headed towards the pad, some of it headed away from the pad. Therefore, some portions of the asphalt paved area sloped towards the secondary containment pad. However, the inspectors were not able to determine how much of the paved area was sloped to allow run-on onto the pad.

The inspectors did not note any information in the facility's records to show that run-on from the asphalt area was taken into account in their secondary containment calculations.

Conclusion

Therefore, the external liner for the tank system did not appear to be designed or operated to contain 100% of the capacity of the largest hazardous waste tank and contain run-on as required by 40 CFR 265.193(e)(i) and (ii).

7. Testing, Tracking, and Recordkeeping Requirements for Generator, Treaters, and Disposal Facilities -Area of Concern Requiring Further Clarification

One of the EPA Waste Codes received for treatment at Westates is F039 - liquids (multisource leachate) resulting from the disposal of more than one restricted waste classified as hazardous waste. Carbon is frequently used in the treatment of groundwater that is contaminated with F039. Waste generated in the treatment of a listed waste will carry the waste code of the

hazardous waste treated [40 CFR §261.3(a)(2)iii-iv]. Westates is also a generator of hazardous waste. Typically, waste from Westates is sent to Safety-Kleen Aragonite.

Waste destined to be sent to Aragonite is managed in a large rolloff bin. The rolloff bin contains spent carbon and other materials that are considered to be contaminated with constituents in the spent carbon. Spent carbon may carry a variety of waste codes for listed hazardous waste. Waste mixed with listed hazardous waste is generally considered to have the waste code of that listed waste. EPA inspectors discussed the following points with facility representatives:

- o Incoming manifests and Land Disposal Restrictions (LDR) notifications from generators of F039 waste will identify individual constituents in the waste on the US Filter/Westates Carbon Universal Treatment (UTS) Table and F039 Multisource Leachate Table (*Attachment # 14*).
- o Generally, since the waste in the bin that is subsequently sent offsite will be filled over time, it will not be possible to separate any listed waste or material contaminated with listed waste from spent carbon or other contaminated material that is not contaminated with listed waste.
- o If spent carbon designated as F039 by the generator of the waste is mixed with other materials in the rolloff bin at Westates, that resulting mixture of listed waste F039 and other material could be considered to be F039.
- o Land Disposal Notification documents (not the manifests themselves) attached to outgoing manifests from Westates to Aragonite may have multisource leachate F039 checked as a waste code that applies to the waste.
- o The constituents identified on the UTS/F039 Table (*Attachment #14*) attached to the incoming generator manifests for F039 do not match the constituents identified on the UTS/F039 Table attached to the outbound Westates manifests.

40 CFR §268.7 (a)(2) states:

“If the waste or contaminated soil does not meet the treatment standard: With the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice must include the information in column “268.7(a)(2) of the Generator Paperwork Requirements Table in §268.7(a)(4). No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator’s file”.

Item number 3 in column 40 CFR §268.7(a)(2) of the Generator Paperwork Requirements Table in 40 CFR §268.7(a)(4) contains the following requirement for information to be provided by the generator that is needed in the one-time written notice to each treatment or storage facility:

“The waste is subject to the LDRs. The constituents of concern for F001 - F005, and F039, and the underlying hazardous constituents in characteristic wastes, unless the waste

will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them on the LDR notice”.

Listed hazardous waste F039 has more than 200 regulated constituents. While Westates is considered to be a ‘generator’ of hazardous waste sent offsite to Aragonite, generally that waste is a composite of waste sent to Westates from other generators and materials contaminated with that waste generated during processing. Generator profiles and information on the generator’s F039 LDR Table submitted to Westates with the incoming manifests designating F039 as the EPA waste code do not match the outgoing manifests and F039 LDR Tables for waste identified as F039 that is being sent from Westates to Aragonite.

Conclusion

At this time, it is not clear what rationale is used by Westates to identify the constituents in F039 to be treated off-site as required by 40 CFR §268.7(a)(2). Further information is needed from Westates to ascertain the consistency and the rationale of facility practices for matching incoming generator profile and LDR information with outbound (Westates as generator) profile and LDR information for EPA hazardous waste designated as having EPA Waste Code F039.

