

## **RESPONSE TO COMMENTS**

December 14, 2007

### **Comments Received on EPA's Proposed Decision to Deny a RCRA Permit**

EPA issued public notice of its proposed decision to deny the application from Romic Environmental Technologies Corporation – Southwest (“Romic”) for a Resource Conservation and Recovery Act (“RCRA”) permit to continue to treat and store hazardous waste (“proposed decision”) on August 16, 2007. EPA denied the permit because the application lacked a landowner signature, and was therefore incomplete. EPA prepared a Fact Sheet (Proposed Action, August 16, 2007) which discussed in detail the basis for the proposed decision. This document was available for public review. The public comment period was from August 24 through October 9, 2007.

EPA received nine individual comment letters and/or e-mails. EPA held a public meeting and hearing on September 26<sup>th</sup> in Chandler, Arizona, and held a public meeting and hearing on September 27<sup>th</sup> in Sacaton, Arizona, on the Gila River Indian Community. Twenty-two additional individuals provided comments during the two public hearings. EPA has considered all of the comments in making its final decision. EPA's final decision is the same as the proposed decision, to deny the permit application.

Federal regulations require that EPA briefly describe and respond to all significant comments on the permit application raised during the public comment period or during any hearing. Following is a summary of the significant comments received on EPA's proposed decision, and EPA's responses.

Table 1 at the end of this document provides the name of each commenter and a corresponding number. Where more than one commenter submitted similar comments, a summary of the comment is followed by numbers that correspond to Table 1. The Administrative Record contains complete copies of each comment letter and transcripts of the hearings and is available for review at the Gila River Indian Community, 35 Pima Street, Sacaton, Arizona as well the EPA Regional Office, 75 Hawthorne Street, San Francisco, California. Transcripts of the hearings can also be found on the internet at <http://www.epa.gov/region09/waste/romic/index.html>.

#### **A. General Comments**

Comment # 1: 84 percent of the commenters are supportive of EPA's proposed decision to deny Romic's application for a TSD permit. The commenters stated that they are supportive of EPA's proposed decision based on a variety of reasons which included the following: (a) they believe Romic was not able to operate in compliance, (b) they believe that the facility threatened the health of the community. (Commenters 1 - 7, 9 - 11, 13, 16 - 28, 30 - 31).

Response: EPA acknowledges the comments.

Comment #2: 16 percent of the commenters were not supportive of EPA's proposed decision to deny the permit application. The commenters stated that they were not supportive of EPA's proposed decision based on a variety of reasons which included the following: (a) Romic runs a clean operation, (b) Romic went above and beyond regulatory requirements, (c) the facility serves an important purpose, recycling hazardous waste, and (d) the loss of jobs will impact the community. (Commenters 8, 12, 14, 15, 29).

Response: EPA acknowledges the comments. EPA's decision was not based on Romic's operations, but on the regulatory requirement that the permit application be complete. Here, the application lacked a landowner signature, and therefore was not complete.

Comment #3: Commenter requested that EPA base the denial on Romic's history of violations. (Commenter #10).

Response: EPA based its permit denial on the regulatory requirement that the owner as well as the operator must sign the permit application. Here, the application lacked a landowner signature. For the commenter's information, a matrix documenting Romic's history of violations is available from EPA.

Commenter #	Date Rec'd	Name & Affiliation (if known)	Form & Summary of Comment
1	9/19/07, 9/28/07	Malcolm and Mini Richards	E-mail, U.S. mail; Supports permit denial.
2	9/20/07	William ("Pat") Mahoney, Mahoney Properties	U.S. mail, E-mail; Supports permit denial.
3	9/28/07	Betty Sharpe	E-mail; Supports permit denial.
4	9/28/07	Laura Einsteadig	E-mail; Supports permit denial.
5	9/28/07	Sarah Kennedy	E-mail; Supports permit denial.
6	9/28/07	Jan McClellan and Simon Oswitch	E-mail; Supports permit denial.
7	10/1/07	Michelle Lukasiewicz and Chris Andria	E-mail; Supports permit denial.
8	9/26/07, 10/9/07	Mike P. Harris	Public Hearing, E-mail; Does not support permit denial.
9	10/1/07	Holly Hall	U.S. mail; Supports permit denial.
10	9/26/07. 9/27/07	Bradley Angel, Greenaction for Health and Environmental Justice	Public Hearing; Supports permit denial.
11	9/26/07. 9/27/07	Lori Thomas-Riddle, Gila River Alliance for a Clean Environment	Public Hearing; Supports permit denial.
12	9/26/07. 9/27/07	E. R. Connell, Romic	Public Hearing; Does not support permit denial.
13	9/26/07. 9/27/07	Teri Johnson, Greenaction and Children for a Safe Environment	Public Hearing; Supports permit denial.
14	9/26/07, 9/27/07	Teri Lynne Kisto, Romic	Public Hearing; Does not support permit denial.

15	9/26/07, 9/27/07	Bill Dixon, Romic	Public Hearing; Does not support permit denial.
16	9/26/07	Alan Rybarchyk	Public Hearing; Supports permit denial.
17	9/26/07, 9/27/07	Delores Martinez	Public Hearing; Supports permit denial.
18	9/26/07, 9/27/07	David Van Druff, Gila River Alliance for a Clean Environment	Public Hearing; Supports permit denial.
19	9/26/07	Wind River Joaquim, Gila River Alliance for a Clean Environment	Public Hearing; Supports permit denial.
20	9/26/07	Peyote Dawn Joaquim, Gila River Alliance for a Clean Environment	Public Hearing; Supports permit denial.
21	9/26/07, 9/27/07	Cheryl Joaquim	Public Hearing; Supports permit denial.
22	9/26/07	Haley Ritter	Public Hearing; Supports permit denial.
23	9/26/07, 9/27/07	Scott Long	Public Hearing; Supports permit denial.
24	9/27/07	Janet Haskie	Public Hearing; Supports permit denial.
25	9/27/07	Alex Soto, Gila River Alliance for a Clean Environment and O'odham Youth Collective	Public Hearing; Supports permit denial.
26	9/27/07	Kevin Jose, Gila River Alliance for a Clean Environment and O'odham Youth Collective	Public Hearing; Supports permit denial.
27	9/27/07	Joseph Christopher Morago, Gila River Alliance for a Clean Environment	Public Hearing; Supports permit denial.

28	9/27/07	Garyn Klasek	Public Hearing; Supports permit denial.
29	9/27/07	Susan Dixon	Public Hearing; Does not support permit denial.
30	9/27/07	Shannon Rivers	Public Hearing; Supports permit denial.
31	9/27/07	Laura Thomas	Public Hearing; Supports permit denial.