



STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

Web posting 4/30/09

**NOTICE OF DECISION
AND STATEMENT OF BASIS FOR
GRANTING THE RCRA PERMIT MODIFICATION REQUEST
TO
US ECOLOGY NEVADA, INC (USEN)**

April 30, 2009

The US Ecology Nevada Inc (USEN) is located at Highway 95, 11 miles south of Beatty, Nye County, Nevada. This facility's first RCRA permit was issued in August 1987 which included Pre-RCRA Trench 10. Trench 10 was closed and capped in August 1991 with a conventional cover (synthetic liner). Pre-RCRA Trenches 1-9 were capped with soil covers and mostly no above grade disposal took place in these trenches. USEN also had a low-level radioactive waste trench (permitted by the state health division) which was capped in 1993 with a soil cover. The Nevada Division of Environmental Protection (NDEP) received a Class 3 permit modification request in May 2008 to incorporate an alternative final cover (cap) design (no synthetic liner) for Trenches 11 (active) & 12 (newly constructed and active).

USEN operates a hazardous waste treatment, storage and disposal facility (TSDF) at the Beatty location. USEN has two active disposal trenches, Trench 11 & 12. Trench 11 started operating in 1990. Trench 12 started accepting waste in September 2008 in Phase 1 of the trench. Trench 11 is currently accepting only TSCA waste pending TSCA approval for Trench 12 from the US EPA.

The permitted capacity of Trench 11 is 2.36 million cubic yards and the remaining capacity is approximately 20,000 cubic yards. Trench 12 is permitted for 1.65 million cubic yards and, as mentioned above, it has recently started accepting waste in Phase 1 of the trench.

The NDEP completed an administrative and technical review of the permit modification request and a draft permit was prepared and released for public comment on August 20, 2008 through October 3, 2008. The only comments received were from Ms. Linda Meyer of the US EPA Region 10, Seattle, WA. These comments have been addressed and the Response to Comments document is available for public review (see last paragraph for details).

The NDEP has determined that the permit modification application and the draft permit are in compliance with the applicable federal and state hazardous waste regulations and statutes. Therefore, the NDEP is hereby granting the modification request by issuing RCRA Permit NEVHW0019 Revision 3 to USEN.

In accordance with 40 CFR 270.42 (f)(2), the permit will become effective at the end of 30 days from the date of this notice unless this decision is appealed to the State Environmental Commission within 10 days of this notice on Form 3, pursuant to the rules for Practice Before State Environmental Commission, Nevada Administrative Code 444.980. Any person wishing to appeal this decision should contact the State

This Document is for Electronic Distribution

Environmental Commission (SEC) Executive Secretary, John Walker at (775) 687-9308 or by e-mail at jbwalker@ndep.nv.gov to obtain the appropriate forms and procedures. Form 3 may also be printed out from the SEC website at www.sec.nv.gov.

The administrative record and the Response to Comments are available for public review between the normal hours of 8:00 AM and 5:00 PM at the NDEP, Bureau of Waste Management, 901 S. Stewart St., Suite 4001, Carson City, Nevada. Anyone who would like to review the administrative record or the permit may arrange a time by contacting Sree Kailash at (775) 687-9471 or e-mail skailash@ndep.nv.gov. This Notice of Decision and the Response to Comments can also be viewed at NDEP's web site at <http://ndep.nv.gov/admin/public.htm>.

P:\BWM\HW Permits\American Ecology Inc. (TSD)\Current and Renewal Permit\2005 Permit Renewal\2005 FINAL PERMIT\MODS\Revision 3-class3mod2-draftpermit\Records\Notice of Decision-statement.doc

This Document is for Electronic Distribution