

NEVADA DIVISION OF ENVIRONMENTAL PROTECTION
BUREAU OF WASTE MANAGEMENT
FACT SHEET FOR A RCRA HAZARDOUS WASTE PERMIT MODIFICATION
US ECOLOGY NEVADA (USEN) INC.
EPA ID #NVT330010000
DRAFT PERMIT NUMBER NEV HW0019, REVISION 3



The Nevada Division of Environmental Protection (NDEP) has developed this Fact Sheet for the Resource Conservation and Recovery Act (RCRA) Permit modification which NDEP intends to approve for the US Ecology NV Inc. facility in Beatty, Nevada (hereafter called USEN). This Fact Sheet has been prepared in accordance with the public notice requirements of Nevada Administrative Code (NAC) 444.8632 and Chapter 40 Code of Federal Regulations (CFR) Section §124.8. The purpose of this Fact Sheet is to provide interested citizens and governmental agencies a summary description of the principal facts and significant issues NDEP has considered in reviewing the Application for a Class 3 modification of the facility's existing permit to incorporate alternative cover design for Landfill Trenches 11 (active) and Trench 12 (under construction).

FACILITY DESCRIPTION

The facility is located on an 80-acre site, which is owned by the State of Nevada. In addition, the state of Nevada leases a 400-acre buffer zone surrounding the 80-acre site from the U.S. Bureau of Land Management. The facility consists of:

- Five (5) Container Storage Units;
- Five (5) PCB Storage Tanks;
- One (1) Leachate Storage Tank;
- One (1) Evaporation Tank;
- Five (5) Batch Stabilization Tanks;
- One (1) Subpart - X "Low Temperature Thermal Desorption Unit (LTTD);
- Three (3) Condensate Storage Tanks – LTTD Operations
- One Oil/Water Separator – LTTD Operations
- Three (3) Subtitle C landfills consisting of Trench 10 (closed), Trench 11 (existing operating trench), and Trench 12 (under construction) with a combined design capacity of 4.01 million yd³.

This facility will not accept bio-hazardous or radioactive wastes or waste containing dioxins.

The existing Trench 11 was constructed with a double composite liner consisting of a primary 100-mil HDPE liner and a secondary 40-mil HDPE liner and 6" of soil amended with bentonite. The design was approved as meeting the Minimum Technology Requirements (MTR). The total capacity of Trench 11 is 2.36 million cubic yards. USEN is currently constructing an additional trench (Trench 12) with a total capacity of 1.65 million cubic yards. Final *alternative* cover design specifications for Trenches 11 and 12 were submitted in April 2008. This document was developed under the direction of a professional engineer registered in the State of Nevada.

The final landfill covers for USEN Trenches 11 and 12 are designed to satisfy the regulatory requirements for final closure of a landfill cell. The design acknowledges and benefits from research and experience that confirms that the desired environmental protection can be obtained with an alternative design (*aka* Evapotranspiration or ET design). This design is fully consistent with the provisions of 40 CFR 264.110, 40 CFR 264.111 and 40 CFR 264.310(a).

BASIS FOR THE PERMIT CONDITIONS

The draft permit conditions are established pursuant to the authority of Section 3006 of the Resource Conservation and Recovery Act (RCRA) (Chapter 40 Code of Federal Regulations as codified in part 271), 40 CFR Parts 124, and 260 through 270, Nevada Revised Statutes (NRS) 459.20 and Nevada Administrative Code (NAC) 444.842 through 444.8746, 444.940 through 444.9555, and 444.960. These laws and regulations govern the management of hazardous wastes in the state of Nevada. NDEP, as the authorized permitting agency for the state of Nevada, has reviewed the permit modification application submitted by USEN and has determined the facility can be operated under the draft permit conditions in accordance with applicable regulations and in a manner which is protective of public health and the environment.

Unit-specific operation and maintenance requirements in the draft permit also contain provisions for: waste analysis for proper

management of hazardous waste; contingency plan and preparedness requirements to prevent and respond to releases of hazardous waste; personnel training requirements; inspection and record-keeping requirements; and unit-specific closure requirements.

REQUESTED VARIANCES

No Variances were requested for this Permit modification

PROCEDURES FOR REACHING A FINAL DECISION

Section 7004(b) of RCRA, NAC 444.8632, and 40 CFR Section 124.10 require that the public and interested agencies be given at least forty-five (45) days to comment on each draft Permit prepared under RCRA. The comment period for the USEN draft permit will end on **October 3, 2008**. Any person interested in commenting on the application or draft permit must do so within this forty-five day comment period.

The Administrative Record for the Draft Permit, which includes the application, agency and applicant correspondence and memoranda and the Draft Permit are available for public review between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday at the NDEP offices in Carson City. The compliance history of the applicant may also be viewed during the same hours and location given above. The Draft Permit (w/o the application) is also available at the NDEP offices in Las Vegas, Phone: (702) 486-2850 x 227. The Draft Permit and the Application may also be viewed at the USEN facility located 11 miles south of Beatty Nevada and the Beatty Library.

When NDEP makes a final decision to either issue or deny the permit, notice will be given to USEN and to each person who has submitted written comments or requested a notice of the final decision. The final permit decision shall become effective thirty (30) days after service of notice of the decision unless a later date is specified or review is requested under NAC 444.8632 and 40 CFR Section 124.19 or an appeal of the NDEP Administrator's decision is brought to the State Environmental Commission under NRS 445.274. If no comments are submitted requesting a change in the draft permit, the final permit shall become effective reflecting the conditions in the draft permit.

NAME AND ADDRESS OF PERSON TO CONTACT

1. NDEP Contact: Sree Kailash, (775) 687-9471, E-mail: skailash@ndep.nv.gov
2. Facility Contact: Robert Marchand, General Manager
P.O. Box 578 Beatty, NV 89408, (775) 553-2203 ext. 104, E-mail: bmarchand@americanecology.com

Comments should include all reasonably available references, factual grounds, and supporting material. A public hearing will be held to hear further comments if a written notice of opposition is received and a request for such a hearing is submitted by **October 3, 2008**. In the event that such a public hearing is requested, a time and place for the meeting will be scheduled and announced in a separate public notice at least thirty (30) days prior to the hearing. NDEP will respond in writing to all comments received during the public comment period and statements heard at a public hearing, in the event one is held, when making a final decision.