

**BEFORE THE ENVIRONMENTAL APPEALS BOARD  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, DC**

	)	
<i>In re:</i> Final RCRA Permit for	)	
	)	
Evoqua Water Technologies, LLC and	)	
Colorado River Indian Tribes	)	RCRA Appeal No. _____
2523 Mutahar Street	)	
Parker, Arizona 85344	)	
	)	
EPA RCRA ID No. AZD982441263	)	
	)	
	)	

---

United States Environmental Protection Agency, Region IX

NOTIFICATION

Regarding Effect of Petition for Review on effective date  
of Final RCRA Permit for Evoqua Water Technologies, LLC  
and the Colorado River Indian Tribes, Parker, AZ,  
EPA ID No.: AZD982441263

---



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

November 1, 2018

NOTIFICATION

Regarding Effect of Petition for Review on Effective date  
of Final RCRA Permit for Evoqua Water Technologies, LLC  
and Colorado River Indian Tribes, Parker, AZ,  
EPA ID No.: AZD982441263

The Environmental Protection Agency (EPA) is providing notice that a Petition for Review has been filed with EPA's Environmental Appeals Board (EAB) for a Resource Conservation and Recovery Act (RCRA) Hazardous Waste Treatment and Storage Permit issued by EPA Region IX on September 25, 2018 for the Evoqua Water Technologies, LLC facility located at 2523 Mutahar Street, Parker, Arizona 85344 (the Facility).

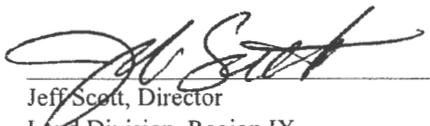
Pursuant to Title 40 of the Code of Federal Regulations (40 CFR) §124.16(a)(2), EPA Region IX hereby identifies the following stayed provisions of the permit for the Facility: I.A.6. (only as to the status of the tribal government landowner as a co-permittee), I.E.13.a., I.L.1.c. (only as to the last sentence of that permit condition), II.M.1.b. (only as to: [1] Module V, with respect to the first sentence of that permit condition; and [2] the last sentence, before the brackets, of that permit condition), II.M.1.c., IV.G.1. (only as to Tank T-11), V.C.1.b., Table V-1, V.C.4.a., Table V-3., V.C.5., V.C.6.c., V.E., V.G.2., and V.I.

Also, in accordance with 40 CFR §124.16, EPA Region IX is hereby providing notice that all other conditions of the Final Permit will become fully effective enforceable obligations of the Permit as of December 1, 2018.

Any challenges to the Final Permit decision must exhaust the administrative appeal procedures prior to any action seeking judicial review of the Final Permit decision. Additional information regarding petitions for review may be found in the "Environmental Appeals Board's Practice Manual" available in pdf format on the EAB Guidance Documents section of the EAB website at <http://www.epa.gov/eab>. Once there is a resolution of the Petition for Review, and any judicial appeal of the EAB's decision that may be brought has been resolved, one or more subsequent notifications regarding the effective date, or other information about the status, of the above-referenced stayed provisions of the Final RCRA Permit will be provided.

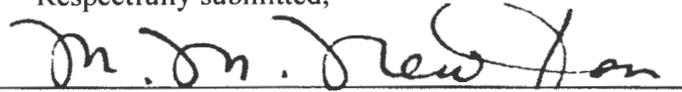
A copy of the Permit and all its Attachments, with EPA's responses to the public comments and additional supporting information, are available through a link at our website, at <https://www.epa.gov/az/evoqua>.

11/1/18  
Date Issued

  
Jeff Scott, Director  
Land Division, Region IX  
US Environmental Protection Agency

Date: November 1, 2018

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mimi Newton", is written over a horizontal line.

Mimi Newton

Assistant Regional Counsel (ORC-3)

United States Environmental Protection Agency

75 Hawthorne Street

San Francisco, CA 94105

Office: 415-972-3941/ Fax: 415-947-3570

[Newton.Mimi@epa.gov](mailto:Newton.Mimi@epa.gov)

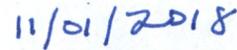
*Counsel for Respondent, U.S. EPA Region IX*

CERTIFICATE OF SERVICE

I hereby certify that, on behalf of the United States Environmental Protection Agency, Region IX, a true and correct copy of the foregoing "NOTIFICATION Regarding Effect of Petition for Review on effective date of Final RCRA Permit for Evoqua Water Technologies, LLC and the Colorado River Indian Tribes, Parker, AZ, EPA ID No.: AZD982441263," has been served on the following parties via the following methods on this 1<sup>st</sup> day of November 2018:



Sandra M. Lesch, Administrative Assistant  
US EPA, Region IX  
Office of Regional Counsel  
75 Hawthorne Street  
San Francisco, CA 94105  
Ph: 415-972-3454  
Fx: 415-947-3570  
[lesch.sandra@epa.gov](mailto:lesch.sandra@epa.gov)



Date

Eurika Durr, Clerk  
US Environmental Protection Agency  
Environmental Appeals Board

Service on the Clerk of the US EPA Environmental Appeals Board (EAB) is made via the EAB's electronic filing system at [https://yosemite.epa.gov/OA/EAB/EAB-ALJ\\_Upload.nsf/HomePage?ReadForm](https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf/HomePage?ReadForm) pursuant to 40 CFR § 124.19.

*Counsel for Petitioner Evoqua Water Technologies:*

Stephen M. Richmond  
BEVERIDGE & DIAMOND, PC  
155 Federal Street, Suite 1600  
Boston, MA 02110  
T: 617-419-2310/F: 617-419-2301  
[srichmond@bdlaw.com](mailto:srichmond@bdlaw.com)

Service on counsel for Petitioner Evoqua Water Technologies is made via electronic mail and U.S. mail in accordance with 40 CFR § 124.19(i).

Bryan J. Moore  
BEVERIDGE & DIAMOND, PC  
98 San Jacinto Blvd., Suite 1420  
Austin, TX 78701-4296  
T: 512-391-8030/F: 512-391-8099  
[bmoore@bdlaw.com](mailto:bmoore@bdlaw.com)

*Counsel for Co-Permittee and beneficial  
landowner, the Colorado River Indian  
Tribes:*

Rebecca A. Loudbear, Attorney General  
Colorado River Indian Tribes  
Colorado River Indian Reservation  
26600 Mohave Road  
Parker, AZ 85344  
T: 928-669-1271 / F: 928-669-5675

Service on the Attorney General for the  
Colorado River Indian Tribes is made via  
facsimile and U.S. mail in accordance with  
40 CFR § 124.19(i).