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July 6, 2015

VIA E-MAIL AND REGULAR MAIL

Ms. Amy Swanson, Esq.
Office of Regional Counsel
USEPA, Region 8
1595 Wynkoop Street
Denver, CO 80202-1129

**RE: Compliance Order and Notice of Opportunity
For Hearing Pursuant to Section 3008(a) of the
Resource Conservation and Recovery Act and
Section 113(a)(3)(B) of the Clean Air Act,
Docket Nos. RCRA-08-2015-0002 and CAA-08-
2015-0014**

Dear Ms. Swanson:

On behalf of National Electric Coil ("NEC"), a listed Respondent in the above-captioned Compliance Order, I am responding to correspondence dated June 18, 2015 and an attached Compliance Order and Notice of Opportunity for Hearing regarding certain alleged violations of the Resource Conservation and Recovery Act and Section 113(a)(3)(B) of the Clean Air Act, 42 U.S.C. §7413(a)(3)(B) which involve an asbestos removal project currently being undertaken at the U.S. Bureau of Reclamation's Yellowtail Dam Facility, on property owned by the Bureau and operated as a hydroelectric dam within the boundaries of the Crow Indian Reservation, near Billings, Montana.

The Compliance Order, by its terms (in Paragraph 66), directs the Respondents, within 10 days of the Receipt of the Compliance Order, to "...submit for EPA's approval the selected hazardous waste transporter who is compliant with 40 C.F.R. §261.11 and the treatment or disposal facility (the receiving facility) permitted to treat or dispose of RCRA hazardous waste per a permit issued according to the standards in 40 C.F.R. part 264." NEC received the above-referenced Compliance Order on June 24, 2015. Consequently, NEC is identifying the following transporter and disposal facility to satisfy Paragraph 66 of the Compliance Order:

Transporter: MP Environmental
3748 Green Acres Drive
Billings, MT 59101
EPA ID#: CAT000624247

Disposal Facility: U.S. Ecology Idaho, Inc.
20400 Lemley Road
Grand View, Idaho 83624
EPA ID#: IDD073114654

NEC reserves the right to specify an alternate transporter and/or treatment or disposal facility in the event that the previously identified companies are not approved by EPA in a timely fashion, or in the event NEC is unable to reach satisfactory terms for the transport or disposal of the wastewater which is the subject of the Compliance Order.

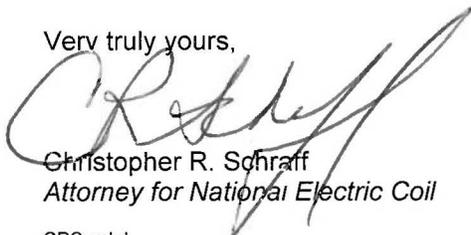
NEC is identifying these companies under protest, and with a full reservation of all rights to defend against or otherwise challenge the claims, findings of violation and directives set forth in the Compliance Order. NEC will, in the near future, be filing an Answer to the Compliance Order, as well as a request for hearing as to the claims of USEPA which relate to the asbestos removal project and its compliance with the requirements of RCRA and the Clean Air Act's asbestos removal requirements.

As one of the first orders of business, I would like to explore with you USEPA's position as to the legal status of the Compliance Order during the period when the Compliance Order is the subject of hearing procedures under USEPA's Consolidated Rules of Practice, 40 C.F.R. Part 22. The Compliance Order, and specifically the language under "Notice of Opportunity to Request a Hearing" on page 10 of the Compliance Order, states that the Compliance Order is not final if National Electric Coil timely files a request for a public hearing. Therefore, the Compliance Order directives, as set forth in Paragraphs 67 through 77 of the Compliance Order, are not final until, at the very least, the completion of hearing proceedings under 40 C.F.R. Part 22.

Therefore, National Electric Coil (or, for that matter, any other Respondent who requests a hearing) is not obligated to comply with the requirements of the Compliance Order until those proceedings are concluded. If USEPA has a contrary interpretation of the Compliance Order and its lack of finality, please advise me at your earliest convenience so that this issue can be resolved promptly at an early stage during the hearing process.

If you have any questions regarding the contents of this letter or wish to discuss National Electric Coil's position with respect to the Compliance Order, please feel free to contact me at your earliest convenience.

Very truly yours,



Christopher R. Schraff
Attorney for National Electric Coil

CRS: mkd

Ms. Amy Swanson, Esq.

July 6, 2015

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cc: Suzanne J. Bohan, Asst. Reg. Administrator, USEPA, Region 8
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