

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

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<i>In re</i> Final RCRA Permit for))
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Evoqua Water Technologies LLC and))
Colorado River Indian Tribes)	RCRA Appeal No. RCRA 18-01
2523 Mutahar Street))
Parker, Arizona 85344))
))
EPA RCRA ID No. AZD982441263))
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**EVOQUA WATER TECHNOLOGIES LLC'S
POST-HEARING BRIEF AS TO ISSUE 1**

ATTACHMENT A



Via Email to R9LandSubmit@epa.gov

May 24, 2019

Director, Land Division
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street (LND-1)
San Francisco, CA 94105

Re: Evoqua Water Technologies – Parker, Arizona Facility
USEPA ID No. AZD 982 441 263
Modification No. 005 - Class 1: Addition of Permit Condition I.G.9

Dear Mr. Scott,

In accordance with 40 C.F.R. § 270.42(a), Evoqua Water Technologies LLC and the Colorado River Indian Tribes hereby submit a Class 1 permit modification notification to the Environmental Protection Agency, Region 9 for the Hazardous Waste Permit issued to the facility located at 2523 Mutahar Street in Parker, Arizona. This permit modification package is classified as a Class 1 modification in 40 C.F.R. § 270.42 Appendix I, Section A.1, which provides for “administrative and informational changes.”

This Class 1 modification is being submitted to address issues raised in Evoqua Water Technologies LLC’s appeal of the final permit to the Environmental Appeals Board. The parties have reached a negotiated position to address the concerns of both parties.

Pursuant to 40 C.F.R. § 270.42(a)(1), this modification does not require any other changes to applicable information previously submitted pursuant to 40 C.F.R. §§ 270.13-.21, and 40 C.F.R. §§ 270.62-.63 do not apply.

Posting Instructions for this Modification:

Please add the attached Permit Condition I.G.9 to the final RCRA permit.

Notification:

A Class 1 permit modification requires a notice to the Facility mailing list with 90 days of the date the change is put into effect. However, EPA has not yet supplied the mailing list to Evoqua and has instead provided a process in Permit Condition I.K.5 for EPA to itself send an initial notice to the mailing list with respect to a I.K.5 required amendment, after which EPA has committed to supplying Evoqua with a mailing list for its use. No alternative notice provision is provided for this amendment.

Evoqua and CRIT request that EPA either (i) provide a copy of the Facility mailing list with in a reasonable period of time so that Evoqua and CRIT can provide applicable notice of Permit

Condition I.G.9 to those on the mailing list, or (ii) provide a reasonable alternative suggestion on how EPA would prefer to address the notice requirement.

Permit modifications will be posted at the following electronic address:
<http://www.evoqua.com/en/about/service-locations/Pages/Parker-AZ-Permits.aspx>

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered or evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Permittee

Evoqua Water Technologies LLC

By: 

Rodney Aulick

EVP and Segment President


Integrated Solutions and Services



The Colorado River Indian Tribes certifies under penalty of law that it understands that this application is being submitted for the purpose of modifying a permit to operate a facility to receive, store, treat, recycle, repackage and subsequently transport hazardous waste. I understand fully that the Colorado River Indian Tribes, as the beneficial landowner pursuant to P.L. 88-302, and Evoqua Water Technologies, LLC, the lessee of the land and owner of certain fixtures located thereon, are jointly and severally responsible for compliance with applicable provisions of RCRA, its implementing regulations and any permit modification approved pursuant to the application and those regulations

Co-Permittee

Colorado River Indian Tribes

By:  **ACTING**
Dennis Patch
Chairman

cc: Director, CRIT Environmental Protection Office

PERMIT MODIFICATION

Addition of I.G.9

Permit Modification

The Permit is hereby amended to add the following provision:

I.G.9. Tribal Trust Landowner Review of Requests for Permit Modifications

- I.G.9.a. Class 1 and 2 Permit Modifications.** Applications (or notices) for Class 1 and Class 2 permit modifications shall be signed by Evoqua, as the facility operator, and shall be submitted to CRIT for comment (if CRIT elects to do so) at least fourteen (14) days before submittal to the Region, unless the application (or notice) is one addressing an emergency situation. Applications (or notices) for Class 1 and Class 2 permit modifications addressing emergency situations shall be signed by Evoqua, as the facility operator, and shall be submitted concurrently to CRIT and the Region. Emergency shall be defined to mean a situation that would put at risk the health, safety, and welfare of human life or property, or prevent the facility from operating or operating in compliance with the facility's permit(s) or other authorizations, if not addressed in an expedited manner.

- I.G.9.b. Class 3 Permit Modifications.** Applications for Class 3 permit modifications shall be signed by both Evoqua and CRIT.