

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
DALLAS, TEXAS

FILED  
2012 DEC 10 PM 2:05  
REGIONAL HEARING CLERK  
EPA REGION VI

IN THE MATTER OF: )  
)  
)  
US ECOLOGY TEXAS, INC., and ) DOCKET NOS. RCRA-06-2012-0936  
TD\*X ASSOCIATES LP ) and RCRA-06-2012-0937  
)  
RESPONDENTS )  
\_\_\_\_\_ )

**MODIFICATION OF CONSENT AGREEMENT AND FINAL ORDER**

On October 4, 2012, a Consent Agreement and Final Order (CAFO) in the above-entitled case was filed with the Regional Hearing Clerk. On or about December 7, 2012, the Respondents requested that Paragraph 69.A.7 of the CAFO be modified to address the fact that certain operating parameters for the thermal desorption unit (TDU) may oscillate beyond the limits established in Table A of the CAFO during the system's normal operation, but remain within the reasonably predictable operating range for the system. The fluctuation of the dryer pressure (PT-1), furnace temperature (TE-18/19), and to a lesser extent, the condensing system outlet temperature (TE-28), may result in the automatic waste feed cutoff system (AWFCO) being activated frequently. The Complainant believes that the oscillation of any of the three operating parameters and the resulting AWFCO would not affect the emissions from the TDU, but are valuable engineering controls to ensure effective process operations of the unit. However, the frequency of any of these three parameters triggering an AWFCO would be to such an extent that "excessive exceedance reporting" to EPA under 40 C.F.R. § 63.1206(c)(3)(vi) would be triggered routinely, at great burden to both the facility's reporting efforts and EPA review efforts, without any corrective action being tenable under 40 C.F.R. § 63.1206(c)(3)(v) to

prevent reoccurrence of the condition that led to the parameter fluctuation and resulting AWFCO.

Therefore, the Parties agree that pursuant to Section IV.H of the CAFO, that Paragraph 69.A.7 of the CAFO is modified as follows:

7. Within ninety (90) days of the effective date of this CAFO, the Respondents shall install, monitor, and operate an automatic hazardous waste feed cutoff (AWFCO) at the TDU in accordance with 40 C.F.R. § 63.1206(c)(3)(ii) and (iv) that immediately and automatically cuts off the hazardous waste feed when any component of the AWFCO system fails, or when one or more of the interim operating parameters set forth in Appendix 1, Table A that are designated as AWFCO parameters are not met. The Respondents shall also comply with the investigation, recordkeeping, testing, and reporting requirements of 40 C.F.R. § 63.1206(c)(3)(v), (vi) and (vii), except that the AWFCOs for the operating parameter limits for PT-1, TE-18/19 and TE-28 are not subject to the requirements of 40 C.F.R. § 63.1206(c)(3)(v) and (vi).

All other provisions of the CAFO remain unchanged and in full effect.

This CAFO modification becomes effective upon filing with the Regional Hearing Clerk.

**THE UNDERSIGNED PARTIES CONSENT TO THE ENTRY OF THIS MODIFICATION TO THE CONSENT AGREEMENT AND FINAL ORDER:**

**FOR THE RESPONDENT:**

Date: 12/7/2012

  
\_\_\_\_\_  
US Ecology Texas, Inc.

**FOR THE RESPONDENT:**

Date: 12/7/2012

Carl R. Palmer  
TD\*X Associates L.P.

**FOR THE COMPLAINANT:**

Date: 12.10.12

  
\_\_\_\_\_  
John Blevins  
Director  
Compliance Assurance and  
Enforcement Division

**FINAL ORDER**

Pursuant to the Section 3008 of RCRA, 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, 40 C.F.R. Part 22, the foregoing Modification of the Consent Agreement is hereby ratified. This Final Order shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive relief or other equitable relief for criminal sanctions for any violations of law. This Final Order shall resolve only those causes of action alleged herein. Nothing in this Final Order shall be construed to waive, extinguish or otherwise affect the Respondents' (or their officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action. The Respondents are ordered to comply with the Compliance Order and terms of settlement as set forth in the Consent Agreement and this Modification. Pursuant to 40 C.F.R. § 22.31(b), this Final Order shall become effective upon filing with the Regional Hearing Clerk.

Date: 12-10-12



Patrick Rankin  
Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I hereby certify that on the 10<sup>th</sup> day of December, 2012, the original and one copy of the foregoing Modification of Consent Agreement and Final Order (Modification) was hand delivered to the Regional Hearing Clerk, U.S. EPA - Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that true and correct copies of the were sent to the following by the method indicated below:

For US Ecology Texas, Inc.

Certified Mail – Return Receipt Requested – 7010 0780 0000 0295 8526

Mary Reagan  
McGinnis, Lochridge & Kilgore, L.L.P.  
600 Congress Avenue, Suite 2100  
Austin, Texas 78701

For TD\*X Associates LP

Certified Mail – Return Receipt Requested – 7007 0710 0002 1385 1682

J.D. Head  
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Suite 2000  
Austin, TX 78701



Eva L. Bean