



# United States Department of the Interior

July 6, 2015

OFFICE OF THE SOLICITOR  
Billings Field Office  
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Billings, MT 59101

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By E-Mail and Overnight Mail

Ms. Linda Jacobson  
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United States Environmental Protection Agency, Region 8  
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Mr. Victor Zielinski  
8ENF-AT  
United States Environmental Protection Agency, Region 8  
1595 Wynkoop Street  
Denver, CO 80202-1129  
[Zielinski.victor@epa.gov](mailto:Zielinski.victor@epa.gov)  
(303) 312-6365

Dear Ms. Jacobson and Mr. Zielinski:

Re: *In the Matter of The U.S. Bureau of Reclamation, National Electric Coil, Environmental Contractors, LLC, and CTA Construction and Environmental, LLC*, Docket Nos. RCRA-08-2015-0002 and CAA-08-2015-0014

On behalf of the Bureau of Reclamation, a listed Respondent in the above-referenced matter, this office is responding to the EPA's Compliance Order and Notice of Opportunity For Hearing, filed June 18, 2015, and received by the Bureau of Reclamation on June 23, 2015. The Bureau of Reclamation contracted with Respondent National Electric Coil (NEC) to perform generator component recoating and rewind refurbishments at its Yellowtail Dam hydroelectric generation facility. This work included removal and disposal of asbestos containing material and removal and disposal of coatings containing heavy metals. The facility is on federal fee land adjacent to the Big Horn River near Fort Smith, Montana.

The Compliance Order (Order) 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 CFR §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." Order at ¶ 66. To timely comply with the Order, the Bureau of Reclamation's contractor, NEC, has identified the following transporter and disposal facility:

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

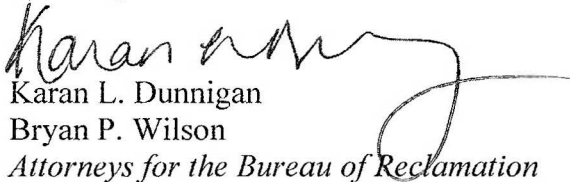
Disposal Facility: U.S. Ecology Idaho, Inc.  
20400 Lemley Road  
Grand View, Idaho 83624  
EPA ID#: IDD073114654

NEC's identification of the above-named transporter and disposal facility is acceptable to the Bureau of Reclamation. However, in the event that NEC fails to comply with the Order and the Bureau of Reclamation must assume responsibility for compliance, the Bureau of Reclamation reserves the right to identify an alternate transporter and/or treatment or disposal facility. We anticipate that the Bureau of Reclamation would proceed with a limited sources procurement in accordance with FAR Part 6.302-2 (b)(1) of the Federal Acquisition Regulations, rather than a sole source procurement.

This document is submitted on behalf of the Bureau of Reclamation to satisfy the requirements of Paragraph 66 of the Order, but it reserves all rights to defend against or otherwise challenge the Order, including its right to file an answer and request a hearing. The Bureau of Reclamation will be contacting Ms. Amy Swanson to clarify rights and obligations identified in the Order, including the timeframes specified in the Order to fully implement the requirements of the Order.

If you have any questions regarding this submission, please feel free to contact the undersigned at your convenience. Ms. Dunnigan can be reached at (406) 247-7059 or by email at [karan.dunnigan@sol.doi.gov](mailto:karan.dunnigan@sol.doi.gov). Mr. Wilson can be reached at (406) 247-7764 or by email at [bryan.wilson@sol.doi.gov](mailto:bryan.wilson@sol.doi.gov).

Sincerely,

  
Karan L. Dunnigan  
Bryan P. Wilson  
*Attorneys for the Bureau of Reclamation*

cc: Brent Esplin, Area Manager, MTAO, BOR  
Suzanne J. Bohan, Asst. Reg. Administrator,  
USEPA, Region 8  
✓ Amy Swanson, Attorney, USEPA, Region 8  
Registered Agent, NEC, CSC Lawyers Inc. SVC, Inc.  
150 S. Perry St., Montgomery, AL 36104-4227

**Swanson, Amy**

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**From:** Dunnigan, Karan <karan.dunnigan@sol.doi.gov>  
**Sent:** Monday, July 06, 2015 1:20 PM  
**To:** Jacobson, Linda; Zielinski, Victor  
**Cc:** Swanson, Amy; Schraff, Christopher R.; Brent Esplin; Bryan Wilson  
**Subject:** Docket Nos. RCRA-08-2015-0002 and CAA-08-2015-0014  
**Attachments:** BOR Response RCRA 08-2015-0002 and CAA-08-2015-0014.pdf

Ms. Jacobson and Mr. Zielinski -

Attached is an electronic copy of the Bureau of Reclamation's response to your June 18th Compliance Order, referenced above. The original letter will be delivered to you by overnight mail.

If you have any questions, please do not hesitate to contact me.

Regards,

Karan L. Dunnigan, Field Solicitor  
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