



February 21, 2019

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 16th floor
New York, New York 10007-1866

2019 FEB 22 AM 11:55
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGIONAL HEARING CLERK

**Re: Formal Hearing Request & Answer to the Complaint;
Veolia ES Technical Solutions, L.L.C. (Veolia)
Docket Number RCRA-02-2019-7106**

To Whom It May Concern:

Veolia respectfully requests a Formal Hearing to discuss the details related to the Complaint referenced above (received on January 30, 2019). Veolia is contesting the proposed penalty and is willing to participate in an informal conference or conference call with EPA.

Below is an outline of the information Veolia would like to discuss at the Formal Hearing, as well as, a written answer to the complaint.

Count 1 – Failure to Equip Open Ended Hazardous Waste Lines with Closure Device

Veolia is contesting the gravity of the penalty identified as MAJOR/MAJOR. We feel a gravity of MINOR/MODERATE is more appropriate for the following reasons:

- The open-ended waste lines were all small sample ports that were equipped with quarter turn valves as the primary closure device;
- All lines were threaded for caps, however, the caps were not replaced by employees after sampling;
- None of waste lines were leaking at the time of the inspection;
- All areas were equipped with secondary containment;
- All areas are part of a daily inspection for leaks as documented on the Middlesex Facility Daily Inspection Log (copy attached);
- All open-ended waste lines were immediately equipped with a cap or plug, and re-training was completed for all Plant Operations and Maintenance.

Count 2 – Failure to Identify Equipment Subject to RCRA Air Emissions Requirements

Veolia is contesting the gravity of the penalty identified as MODERATE/MAJOR. We feel a gravity of MINOR/MODERATE is more appropriate for the following reasons:

- At the time of the inspection the Facility Monitoring Log was missing approximately 20% of the equipment subject to these requirements;
- All areas were equipped with secondary containment;
- None of this equipment was identified as leaking during the inspection;
- All areas are part of a daily inspection for leaks as documented on the Middlesex Facility Daily Inspection Log (copy attached);
- The Plant Engineer inspected and properly tagged all equipment subject to these requirements, and developed a comprehensive log listing all covered equipment.



With regard to both counts, Veolia believes this program oversight poses a relatively low risk of exposure to humans or other environmental receptors, and that this does not represent a substantial deviation from the requirements of this regulation.

Veolia also believes the History of Noncompliance adjustment should not apply for the following reasons:

- Veolia has always acted quickly to correct any deficiencies identified by the agencies;
- We do not believe these violations are similar to those identified in July 2015 inspection;
- Veolia is committed to environmental compliance and continuous improvement.

Thank you for your consideration in this matter. Should you have any questions or need additional information please contact me at (973) 691-3923.

Sincerely,



John P. Schantz
Environmental, Health, and Safety Manager

John Wilk, Compliance Officer
Hazardous Waste Compliance Section
RCRA Compliance Branch
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency – Region 2
290 Broadway, 21st Floor
New York, NY 10007-1866

NJDEP – Central Field Office
Bureau of Hazardous Waste Compliance
P.O. Box 420; Mail Code 09-03
Trenton, NJ 08625-0420
Attn: Tiffany Chiles

VEOLIA ES TECHNICAL SOLUTIONS - MIDDLESEX FACILITY DAILY INSPECTION LOG

Date:	Time:	Inspected by:								
LEGEND:		✓ = OK			X = Problem			N/A = NOT APPLICABLE		
DRUM AREAS	B	TS Hut	C	F	D	L/P	POUR OFFS	200 N	COMMENTS	
Aisle space (minimum 30")										
Bungs & covers (securely closed)										
Labels (complete)&Markings										
Corrosion, dents, leaks, bulges										
Drums&Cont. not in standing water										
Housekeeping										
Haz Flamms 50' from property line				N/A	N/A	N/A		N/A		
Safety:										
Emerg. equipt (present & unobstructed)										
Emerg. Telephone & Communications	N/A			N/A	N/A		N/A			
Proper & Adequate PPE Supplies										
Unobstructed fire exits										
Unobstructed electrical equipt										
Secondary & Tertiary Containment:										
Concrete (cracks, gaps, spills etc.)*										
Curbs (cracks & gaps)										
Warning signs (visibl & undamag'd)										
TANK AREAS	T/W	200	100	400	RR T/C	Process	Dumpster	Other	COMMENTS	
Catch basins (level)	N/A	N/A			N/A	N/A	N/A	N/A		
No leaks, bulges										
Shell / seams (corrosion), Supports							N/A			
Unused Domes Closed							N/A			
Spill&Overfill Prevention Controls	N/A						N/A			
Pipes (leaks & deterioration)							N/A			
Valves (leaks & deterioration)							N/A			
Gauges (leaks & deterioration)							N/A			
Pumps (leaks & deterioration)							N/A			
Flanges (leaks & deterioration)							N/A			
Flexible Hoselines							N/A			
Tank & valve numbers							N/A			
Agitators (leaks & deterioration)	N/A				N/A	N/A	N/A			
Steam Coils (leaks & deterioration)	N/A	N/A	N/A	N/A	N/A		N/A			
Secondary & Tertiary Containment:										
Concrete (cracks & gaps)	N/A									
Curbs & Dikes (cracks & gaps)	N/A									
Walls (cracks & gaps)	N/A						N/A			
Sumps (accumula'n,debris,condit'n)	N/A						N/A			
Loading & Unloading Areas	Integrity	Deterioration			Leaks		Housekeeping		COMMENTS	
100 Tank Farm South										
200 Tank Farm South										
200 Tank Farm North										
400 Tank Farm East										
400 Tank Farm South										
400 Tank Farm West										
400 Tank Farm North										
Process Area										
Paint Can Shredder										
Security	Fence	Main Gate			Other Gates		Lights		COMMENTS	
Holes, gaps, corrosion							N/A			
Functional										
Locked							N/A			
Signs (visible & undamaged)							N/A			
Problems and Corrective Actions documented on back or attached page.										