



May 24, 2016

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

U.S. Environmental  
Protection Agency-Reg 2

2016 MAY 26 AM 10:43

REGIONAL HEARING  
CLERK

**Re: Formal Hearing Request & Answer to the Complaint;  
Veolia ES Technical Solutions (Veolia)  
Docket Number RCRA-02-2016-7101**

To Whom It May Concern:

Veolia respectfully requests a Formal Hearing to discuss the details related to the Complaint referenced above.

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 Perform Monthly Emissions Monitoring on Pumps Subject to Subpart BB**

Veolia was completing semi-annual monitoring instead of the required monthly monitoring, however, we believe the penalty is excessive given the potential minimal environmental damage and Veolia's corrective action of immediate implementation of monthly monitoring.

- All Veolia pumps are visually inspected daily and if a leak is detected the pump is repaired as soon as practicable, but no later than 15-calendar days from detection.
- As noted above, Veolia started a monthly monitoring program for the pumps on July 28, 2015 and to date has not detected any leaks.

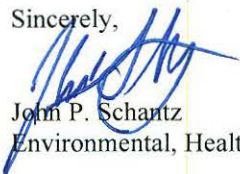
**Count 2 – Failure to Close Hazardous Waste Containers**

Veolia denies that the drum sampling procedure witnessed by EPA & NJDEP was in violation of our permit, 40 CFR 264.173(a), or 40 CFR 264.1086 (Standards: Containers).

- Veolia drum sample policy is to immediately replace drum bungs and hand-tighten them prior to sampling another drum. The drum bungs are then thoroughly tightened when the employee completes sampling of a row of drums.
- This policy has always been acceptable with NJDEP which completes weekly inspections of this facility.
- We believe this policy also meets the Subpart CC requirements for management of containers as outlined in 40 CFR 264.1086 (c)(3)(ii).

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