

PPC 9477.1984(02)

AUTHORITY TO ENFORCE 264 SUBPART H COMPLIANCE AT FACILITIES
LOCATED ON STATE-OWNED LAND

JAN 30 1984

MEMORANDUM

SUBJECT: U.S. Ecology's Nevada Facility and Financial
Responsibility

FROM: John H. Skinner, Director
Office of Solid Waste (WH-562)

TO: Harry Seraydarian, Director
Toxics and Waste Management Division
Region IX (T-1)

Your memorandum of April 5 requested comments on the
Notice of Deficiency you sent U.S. Ecology.

While I sympathize with your desire to ensure that all
owners and operators demonstrate financial responsibility, EPA
is not in a position to require such compliance in this instance.
Section 140(c) of the regulations clearly exempts the States
and the Federal government from the Subpart H regulations.
Therefore, EPA does not have authority to enforce compliance
with the financial requirements since the U.S. Ecology facility
is located on land owned by the State of Nevada. Only the
State of Nevada may require U.S. Ecology to demonstrate
financial responsibility by contractual arrangement.

This point is covered in both the January 5, 1983 letter
to U.S. Ecology and the May 11, 1983 memorandum to you (copy
attached). I want to reassure you that my staff had extensive
conversations with your staff before the January letter was
issued. I hope this clears up the matter for you.

Attachment