UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Purpose:	RCRA Compliance Evaluation
Date of Evaluation:	January 24, 2002
Facility:	US Filter/Estates Carbon A Vivendi Company AZD982441263
Location:	2523 Mutahar Street Parker, Arizona
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Report Written by:	Kandice Bellamy
Date of Report:	April 5, 2002

US Filter/Westates Carbon
AZD983441263
January 2002

1. Purpose of Inspection

The purpose of the compliance evaluation inspection (CEI) conducted at US Filter/Westates Carbon (hereinafter "the facility"), EPA Identification Number AZD982441263, was to determine compliance with all applicable requirements of the Resource Conservation and Recovery Act (RCRA) for management of hazardous waste. In addition, a specific focus of the January 24, 2002 inspection was to evaluate actions taken and clarifications made by the facility in response to the Warning Letter transmitted December 17, 2001 that cited potential violations. The submittal from the facility dated August 20, 2001 responding to the June 19 and 20, 2001 inspection was also considered in determining the correction of potential violations cited.

2. Scope of Report for the January 24, 2002 Inspection

As a result of the January 24, 2002 inspection and subsequent review of available information, issues have arisen for which additional information and clarification will be requested from US Filter/Westates Carbon. These issues will be discussed in this report.

This report will summarize the potential violations cited in the report transmitted to the facility on December 17, 2001 that have been corrected. The potential violations that have been corrected are summarized in the following table:

Potential Violation	Description of Correction
262.34(c)(1)(i) requiring compliance w/265.173(a) Potential Violation - A drum in the satellite accumulation area holding discarded samples was not closed. **262.34(c)(1)(ii)** Potential Violation The drum in the satellite accumulation area was not marked "Hazardous Waste."	The drum has been removed from the area where samples are held pending further analysis. A drum will no longer be placed in that area . When the samples are no longer needed, the sample material will be combined with waste entering the treatment process.
265.16 (d)(2) Potential Violation - Written Job Description must include duties of per-sonnel assigned to each position & requisite skill. Included among the duties of two employees were the visual observations of stack plume emissions for normal appearance (color and opacity) required in 265.377.	A written procedure specifying the duties for personnel whose job function included making hourly observations of the stack plume was developed and is acceptable. This included a designation of the area of the stack plume where observations should be made. Training for appropriate individuals was documented.

265.37(a) (2) Potential Violation - While the required agreements were available, they did not specify the police or fire department with primary emergency authority. Additional Recommendation - Change area code from 602 to 520 on the list of Responsible Agencies.	The Contingency Plan designated the Colorado River Indian Tribes Fire Department as the primary responding agency. Also, the local area code has been changed to 928 and the Contingency Plan has been amended accordingly.
265.193(e)(1)(i) and (ii) - Potential Violation -The external liner for the tank system did not appear to be designed or operated to contain 100% of the capacity of the largest tank and contain run-on as required by 40 CFR 265.193(e)(1)(i) and (ii). **265.193(e)(1)(iii)**- Potential Violation - External liner system did not appear free of cracks or gaps.	At this time, only the redirection of the down spouts that formerly terminated in the secondary containment area has addressed an aspect of the potential violation (**265.193(e)(1)(ii)**) identified during the June 2001 inspection. A detailed discussion of additional as well as previously identified areas of potential non-compliance related to the capacity and integrity of the secondary containment are included in this report, and EPA is requesting additional information to resolve these potential violations.
Area of Concern **268.7 (a)(2)** Testing, Tracking & Record keeping Requirements for Generators Treaters, Disposal Facilities [**268.7 (a)(4)**].	An acceptable written procedure describing the facility's rationale and practices used to match incoming generator profile information with outbound (Westates as generator) profiles for EPA Waste Code F039 was developed.

3. Condition of the Secondary Containment Pad

The report based on observations made during the June 19 and 20, 2001 inspection cited **40 CFR §265.193(e)(1)(iii)** as a potential violation. **The external liner system did not appear free of cracks or gaps.** (See Attachment #1 - Photos 1, 2, and 3 taken during the June 19 and 20, 2001 inspection). During the January 24, 2002 inspection, the EPA inspectors noted that epoxy had been applied to some of the large cracks. The epoxy was sticky and not completely hardened. Facility Plant Manager, Williard Bolyard, stated that crack management is done on a twice yearly schedule and that the epoxy had been applied the day before the inspection.

Based on observations of the pad made during the January 24, 2002 inspection and subsequent review of available information, **verification that the pad is designed to prevent migration of waste or accumulated liquid out of the system in accordance with 40 CFR §265.193 (b)(1)** has not yet been made by the facility.

Based on observations made during the January 24, 2002 inspection and review of available information, a determination has been made that insufficient documentation exists that demonstrates that the pad meets the requirements of 40 CFR§265.193(c). **40 CFR §265.193(c)(1)** states that in order to meet the requirements of **40 CFR §265.193(b)**, secondary containment systems must be at a minimum "constructed of or lined with materials that are compatible with the waste(s) to be placed in the tank system and must have sufficient strength and thickness to prevent failure due to pressure gradients (including static head and external hydrological forces), physical contact with the waste to which they are exposed, climatic conditions, the stress of installation, and the stress of daily operation (including stresses from nearby vehicular traffic).

40 CFR §265.193(c)(2) states that in order to meet the requirements of **40 CFR §265.193(b),** secondary containment systems must be at a minimum "placed on a foundation or base capable of providing support to the secondary containment system and resistance to pressure gradients above and below the system and be capable of preventing failure due to settlement, compression, or uplift."

In order to determine compliance with the requirements of **40 CFR §265.193 (b)(1) and 40 CFR§265.193(c)(1)and (2)**, US Filter/Westates Carbon will be requested to submit the documentation described below, and specified in a Request for Information Pursuant to 3007(a) of the Resource Conservation and Recovery Act.

I. Provide EPA with 'as-built-drawings' and engineering and construction specifications for the secondary containment pad including any particular specifications for the pad in Areas 1and 2 (shown in the LEMME Engineering Survey dated August 2001) of the facility including, but not limited to, the description of the thickness of the concrete, materials used to reinforce the pad, and composition of subsurface materials forming the layers under the pad.

II. Provide EPA with an engineering evaluation and certification that contains documentation that the pad in Areas 1 and 2 is constructed of materials of sufficient strength and thickness to meet the conditions specified in and the requirements of **40 CFR §265.193(c)(1)**.

III. Provide EPA with an engineering evaluation and certification verifying that the pad in Areas 1 and 2 is placed on a foundation and base capable of meeting the conditions

specified in and the requirements of **40 CFR §265.193(c)(2)**. The engineering evaluation and certification of the structural integrity of the secondary containment pad in Areas 1 and 2 shall include, but not be limited to, an accurate assessment of the weight of all structures, equipment, tanks and their contents and associated piping in Areas 1 and 2.

IV. The evaluation and certification must verify that the Area 1 and 2 portions of the pad are capable of supporting the weight of all structures and tanks (with their contents and including the tanks that, at this time, the facility considers to contain substances that are not RCRA regulated).

V. Provide EPA with an engineering evaluation and certification verifying that the cracks, gaps and overall condition of the pad in Areas 1 and 2 do not adversely impact the technical capability of the pad to meet the requirement that the pad be designed to prevent migration of waste or accumulated liquid out of the system as specified in 40 CFR §265.193(b)(1).

VI. Provide EPA with a written plan for the management of cracks and gaps for all areas of the pad. The plan should, at a minimum, include the description of the materials for pad repair, the appropriateness and effectiveness of the material used, and criteria used to determine that the repair prevents migration of waste or accumulated liquid out of the system. The written plan should contain a schedule for maintenance and repair and the protocol for the repairs.

4. Regulatory Status of Tanks T-9 and T-12

EPA is evaluating the regulatory status of tanks T-9 and T-12. The excerpts below summarize our understanding of the utilization of T-9 and T-12 in the hazardous waste treatment process.

The following section is extracted from a report from a 1998 EPA inspection and describes the function of tanks T-9 and T-12. "If the spent carbon which has been accepted for treatment is a bulk shipment, it is emptied into a hopper (H-1) outside the main building, mixed with waste to form a slurry and is pumped into one of the four spent carbon storage tanks. If the spent carbon is delivered in containers, the containers (various sizes) of spent carbon are moved into the container storage area, emptied into a hopper (H-2) inside the main building, mixed with water to form a slurry and pumped into one of the four spent carbon storage tanks."

"From the four spent carbon storage tanks, the spent carbon slurry is pumped to the spent carbon furnace feed tank (T-18) on the upper level of the reactivation furnace (RF-2). Spent carbon slurry is fed from the feed tank (T-18) to a dewatering screw (C-5) to remove water from

the slurry. The recovered water is pumped to the recycled water storage tank (T-9) for further use. Overflow from T-9 and excess water from the two spent hoppers (H-1 and H-2) is pumped to a second recycled water storage tank (T-12) for further use in transporting spent carbon through the system. When there is an excess of water or when the water in T-12 is too dirty for reuse, it is pumped through two carbon adsorption canisters for treatment, pumped to a storage tank (T-11) and discharged to the sewer under an industrial discharge permit from the Colorado River Sewage System Joint Venture (CRSSJV)."

The next sections related to tanks T-9 and T-12 are extracted from the Facility Description contained in the Part B permit application submitted in 1995: "Prior to introduction into one of two RCRA regulated units (RF-1 and RF-2), the water-carbon slurry is dewatered by use of dewatering screws. The dewatered carbon is then fed to the reactivation units. The water generated in the dewatering step is returned to one of two recycle water tanks (T-9 and T-12) where it will be reused in the carbon transport system. Because T-9 and T-12 are used to store recycle water, a process material prior to reuse, they are not RCRA-regulated units."

"Tank T-11 and its ancillary equipment is a wastewater treatment unit and is not a RCRA regulated unit."

Impact of the Regulatory Status of T-12 and Secondary Containment Calculations

The capacity of tanks T-9 and T-12 is 10,500 gallons and 25,080 respectively. The facility's submittal dated August 20, 2001 contains a section regarding the utilization of tank T-12 with its capacity of 25,080 gallons as the tank used to determine that the secondary containment met the conditions specified in 40 CFR §265.193(e) that requires the external liner to be designed or operated to contain 100 percent of the capacity of the largest tank within its boundary. The facility's August 20, 2001 submittal concluded: "However, upon closer review, we have discovered that 40 CFR §265.193(e) requires that the secondary containment system be designed to include the volume from the largest hazardous waste storage tank within the containment system. Our prior calculation had included the volume of a process tank, rather that the largest hazardous waste storage tank. Our hazardous waste tanks, which are identified in section D, page 15, of our November 1995 Part B Application, are T-1, T-2, T-5 and T-6 which have a volume of 8,319 gallons each. Our prior secondary containment calculation incorrectly used the storage capacity of tank T-12, which is specifically referenced in Section D, page 1, of our Part B Application as not being a hazardous waste management unit."

In order to further evaluate the applicability of RCRA regulation to tanks T-9 and T-12, US Filter/Westates Carbon will be requested to submit the following information and documentation pursuant to a Request for Information Pursuant to 3007(a) of the Resource Conservation and Recovery Act (transmitted by separate correspondence).

I. Provide EPA with a written explanation specifying the basis and the specific regulatory exclusion/exception for the determination that tanks T-9 and T-12 are not RCRA regulated. Please include any correspondence, memos guidance documents, etc. upon which you relied in making such a determination.

II. Provide EPA with a process diagram of sufficient detail and clarity describing process flow and the recirculation of contact water through the storage and treatment system. The diagram may be accompanied by narrative explanations of slurry and recirculated water movement.

5. Other Potential Violations Noted during June 19 and 20, 2001 Investigation

Compliance tasks required to address the Potential Violations related to compliance with 40 CFR §265 Subpart G - Closure are specified in a section of the Warning Letter. In order to comply with the requirements of 40 CFR Subpart G §264 and §265, complete the following task in item 1. within 60 days of the date of the Warning Letter:

1. Submit a closure plan for the closure of RF-1 that meets all of the applicable requirements of 40 CFR §265 Subpart G.

2. Submit a closure plan for the facility that meets all of the applicable requirements of 40 CFR §264 by the date specified by EPA in correspondence transmitted on February 19, 2002 requesting the Part B Permit Application for US Filter/Westates Carbon.