

US EPA ARCHIVE DOCUMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Federal Resource Conservation and Recovery Act

Notice of Denial of a RCRA Permit Application for

ROMIC ENVIRONMENTAL TECHNOLOGIES CORPORATION – SOUTHWEST
6760 West Allison Road
Chandler, Arizona

EPA ID. NO. AZD009015389

Fact Sheet

December 19, 2007

Final Action

The United States Environmental Protection Agency ("EPA") is denying the application from Romic Environmental Technologies Corporation – Southwest ("Romic") for a Resource Conservation and Recovery Act ("RCRA") permit to continue to treat and store hazardous waste.

EPA issued public notice of its proposed decision to deny the application ("proposed decision") on August 16, 2007. EPA prepared a Fact Sheet (Proposed Action, August 16, 2007) which discussed in detail the basis for the proposed decision. This document was available for public review. EPA is denying the Romic permit application because the application has no land owner's signature and certification, as required by 40 C.F.R. §§ 270.10, 270.11.

EPA provided a 45-day public comment period from August 24 through October 9, 2007. EPA received public comments, summarized in the attached Response to Comments. EPA has considered all of the comments in making its final decision. EPA's final decision is the same as the proposed decision, to deny the permit application.

FACILITY LOCATION

Romic is located near Chandler, Arizona, in the Gila River Indian Community. The Romic facility is approximately three acres in size and is within the Lone Butte Industrial Park at 6760 West Allison Road.

FACILITY DESCRIPTION AND STATUS

The facility has been in existence since 1975, when it was operated by Southwest Solvents. Romic purchased the facility in 1988 and has been in operation since that time as a hazardous waste storage and treatment facility that recycles solvents. All wastes that are disposed are shipped off-site for disposal.

The most common hazardous wastes accepted at Romie include solvents, corrosives, waste paint and paint thinner, metal sludges, and laboratory chemicals. The most common non-hazardous wastes accepted include waste oil, antifreeze, non-hazardous solvents, scrap metal, fluorescent light tubes, and wastewater.

Federal regulations requiring a permit for Romie's hazardous waste activities were promulgated in 1980, well after the facility had been in operation. In such cases, facilities can acquire "interim status" that allows them to continue operations until EPA makes a final permit decision. Under interim status, Romie must comply with extensive regulations designed to protect human health and the environment.

Romie submitted a final permit application to EPA in February 2005, requesting a ten year permit to continue to treat and store hazardous waste.

REQUIREMENT FOR LAND OWNER'S SIGNATURE

Consistent with Congressional intent, EPA holds owners (i.e. land owners) and operators of hazardous waste treatment, storage, and disposal facilities ("TSD facilities") jointly responsible for complying with RCRA and its implementing regulations. RCRA and its regulations require that owners and operators of facilities that treat, store, or dispose of hazardous waste obtain a RCRA permit. 42 U.S.C. § 6925(a). The regulations require that permit applications include both the facility owner's signature and certification and the operator's signature when a facility is owned by one person, but is operated by another person. 40 C.F.R. § 270.10(b).

FAILURE TO CORRECT DEFICIENCY

Romie submitted its final revised Part B permit application on February 18, 2005. The application lacked a signature from the owner. EPA has had numerous formal and informal discussions with Romie and representatives from GRIC regarding the need for the land owner signature. On July 15, 2005, EPA wrote to GRIC describing the status of Romie's permit application and requesting information from GRIC on its process and timeline for deciding whether or not to sign the permit application.

On February 12, 2007, EPA wrote to Romie to inform Romie that the application appeared to be complete with the exception of the land owner signature. EPA requested that Romie provide EPA with a report detailing steps that Romie had taken to obtain the landowner signature and certification and a schedule of steps to be taken if the signature has not yet been obtained.

EPA gave a presentation in March 2007 to the Tribal Governor and several members of the Tribal Council regarding the status of the Romie facility and to inquire of GRIC whether or not it intended to sign Romie's permit application.

On May 30, 2007, EPA sent a letter to GRIC's Natural Resources Standing Committee describing the status of the permit application and providing information on EPA's process for granting and denying permits.

Subsequently, on June 20, 2007, the GRIC Community Council passed a "Resolution Disapproving of Romie Environmental Technologies Corporation's Part B Permit Application Under the Federal Resource Conservation and Recovery Act." The Resolution referred to a motion unanimously approved by the Community Council on May 16, 2007 that placed a "moratorium on the establishing or permitting of any permanent facility accepting hazardous wastes in the Community..." The Resolution expressly stated "Be it Resolved, that the Community Council hereby disapproves of Romie Environmental Technologies Corporation's application to the United States Environmental Protection Agency for a Part B permit under the federal Resource Conservation and Recovery Act and indicates that the Community will not sign or certify the Part B permit application."

Because the permit application has no signature of the landowner(s) of the Romie facility, EPA is denying the permit application as incomplete.

AUTHORITY TO DENY PERMIT

RCRA regulations require that land owners provide a signature and certification with the permit application. See 40 C.F.R. §§ 124.3(a)(3), 270.10, 270.11. If an applicant fails or refuses to correct deficiencies in a permit application, EPA may deny the permit. See 40 C.F.R. § 124.3(d). Because no landowner signature for Romie's permit application has been provided, EPA initiated proceedings to deny the RCRA permit application. This notice provides EPA's final permit decision. See 40 C.F.R. § 124.15.

APPEAL PROCEDURES

Any person who filed comments on the proposed decision or participated in the public hearings may appeal this final permit decision by filing an appeal within 30 calendar days of the time a final decision is made. See 40 C.F.R. § 124.19. To allow for service of this notice by mail to interested parties, EPA will allow 35 days from the effective date of this decision.

An appeal should be filed by January 23, 2008 with the Environmental Appeals Board in EPA Headquarters, as follows:

All filings delivered to the Board by hand or courier, including Federal Express, UPS, and U.S. Postal Express Mail, MUST be delivered to the following address:

Colorado Building
1341 G Street, NW
Suite 600
Washington, D.C. 20005

All documents that are sent through the U.S. Postal Service (except by Express Mail) MUST be addressed to the EAB's mailing address, which is:

U.S. Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

EFFECTIVE DATE

This decision is effective immediately, since no comments requested a change in the proposed decision. See 40 C.F.R. § 124.15(b)(3).

FOR MORE INFORMATION

The official Administrative Record for this decision, including key documents about the facility, is available for viewing at (please call 415-947-4597 to set up an appointment to review the file):

US Environmental Protection Agency
Region 9
75 Hawthorne Street
San Francisco, CA 94105

Key documents can also be viewed or downloaded from EPA's web site for this facility at:

<http://www.epa.gov/region09/waste/romic/index.html>

Key documents are also available for viewing at (please call 520-562-2234 to set up an appointment to review the file):

Gila River Indian Community Department of Environmental Quality
35 Pima Street
Sacaton, AZ

If you have questions about this decision please contact:

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Approved by: _____

Nancy Lindsay, Acting Director
Waste Management Division