



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

NOTIFICATION OF FINAL PERMIT DECISION
Regarding Effective Date for Stayed Conditions
of Final RCRA Permit for Evoqua Water Technologies, LLC
and Colorado River Indian Tribes, Parker, AZ,
EPA ID No.: AZD982441263

The Environmental Protection Agency (EPA) is providing notice that the Permit Conditions that were stayed as a result of an appeal in this matter, including each of the Permit Conditions that were revised – to the extent of such revisions -- in the Final Remand Decision, are being put into effect through this Final Permit Decision, as of the date noted below.

EPA Region 9 issued a RCRA Permit to Evoqua Water Technologies LLC and the Colorado River Indian Tribes on September 25, 2018. On October 25, 2018, Evoqua appealed several conditions in the RCRA Permit. The contested permit conditions were stayed as a result. The remainder of the Permit went into effect on December 1, 2018.

The EPA Environmental Appeals Board (EAB) issued a decision on June 13, 2019, which remanded three issues raised in the appeal and denied review of all the other items.

The Region issued a Proposed Remand Decision to address the three issues that were remanded by the EAB. The Region sought public comment on the Proposed Remand Decision over a 45-day period. A Public Meeting/Public Hearing was conducted on November 7, 2019, during which EPA received three verbal comments from one attendee, one for each of the three remanded issues. EPA received no other comments on the Proposed Remand Decision, either verbally or in writing. The Region evaluated each of the comments and provided responses in the Final Remand Decision materials that were issued on January 23, 2020.

Pursuant to the EAB's June 13, 2019 Order, anyone who made comments and is dissatisfied with either the Region's responses or the Final Remand Decision must file a petition seeking the EAB's review within 30 days of the date EPA serves notice of the Final Remand Decision in order to exhaust administrative remedies under 40 CFR § 124.19(l). See also 40 CFR § 124.19(a)(3). Since the applicable time period has passed and no petition for review of the Final Remand Decision was filed with the EAB, Agency review procedures under 40 CFR Part 124 have been exhausted. Accordingly, the Region announces the issuance of a "Final Permit Decision" in accordance with 40 CFR § 124.19(l)(2).

This Final Permit Decision puts into effect all the Permit Conditions that were stayed as a result of the appeal, including each of the Permit Conditions that were revised in the Final Remand Decision. See 40 CFR § 124.19(l)(2).

Specifically, the following permit conditions, as reflected in the Notification of Stayed Permit Conditions dated November 1, 2018 (filed with the EAB), and further revised by the January 23, 2020 Final Remand Decision – to the extent of such revisions only -- are hereby deemed, as of the date of issuance noted below, effective:

- I.A.6. - only as to the status of the tribal government landowner as a co-permittee;
- I.E.13.a. - as modified by the Final Remand Decision;
- I.L.1.c. - only as to the last sentence of that permit condition;
- II.M.1.b. - only as to:
 - [1] Module V, with respect to the first sentence of that permit condition; and
 - [2] the last sentence, before the brackets, of that permit condition;
- II.M.1.c.;
- IV.G.1. - only as to Tank T-11 - as modified by the Final Remand Decision, along with the following Permit Conditions modified by the Final Remand Decision, with respect to the references to Tank T-11:
 - IV.A.2.;
 - IV.G.2.;
 - IV.G.4; and
 - Table IV-2;
- V.C.1.b.;
- Table V-1;
- V.C.4.a.;
- Table V-3.;
- V.C.5. - as modified by the Final Remand Decision;
- V.C.6.c.;
- V.E.;
- V.G.2.; and
- V.I.

The effective date for each of the above-referenced Permit Conditions shall be the date of issuance of this Final Permit Decision, noted below:

02/27/2020
Date Final Permit Decision Issued

/SIGNED/
Jeff Scott, Director
Land, Chemicals and Redevelopment Division
Region IX
US Environmental Protection Agency