UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

JAN 2 6 2010

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
Article Number: 7006 2760 0000 8647 5275

Mr. Will Mcknight
Manager
J Bar J Land, Inc.
P.O. Box 714
Ogallala, Nebraska 69153

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for J Bar J Land, Inc., Ogallala, Nebraska

Dear Mr. Mcknight:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at J Bar J Land, Inc. in Ogallala, Nebraska (J Bar J). Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), EPA has completed an initial assessment of J Bar J, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, EPA shall determine if there are relevant releases or relevant violations at the facility.

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EPA corresponded with the Nebraska Department of Environmental Quality (NDEQ) to determine J Bar J's compliance with Resources Conservation and Recovery Act (RCRA) and other applicable environmental standards. The results of the correspondence indicate that J Bar J is currently in compliance with RCRA and other applicable environmental standards. Therefore, effective upon receipt of this letter, J Bar J is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, EPA reserves the right to revisit this decision.

By issuing this notice, EPA is in no way authorizing J Bar J to undertake any waste management practice at this facility for which J Bar J has not been previously authorized by EPA or NDEQ.

If you have any questions concerning this matter, please contact Deborah Bredehoft, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

Donald Toensing
Branch Chief
RCRA Enforcement and State Programs Branch

cc: Mr. Bill Gidley, Supervisor
Waste Management Section
Nebraska Department of Environmental Quality