Message

From: Galbraith, Michael [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0ABF7F5C1A5E462E8096CB58EF9757EB-MGALBRAI]
Sent: 1/31/2017 12:11:55 PM
To: Lee, Jae [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=6e8957da9f254aab83632814f05d1cd2-JLee10]
Subject: RE: Tradebe Draft Permit Renewal

Thanks for the update jae!

From: Lee, Jae
Sent: Monday, January 30, 2017 2:49 PM
To: Galbraith, Michael <Galbraith.Michael@epa.gov>
Subject: RE: Tradebe Draft Permit Renewal

Mike,

We spoke with IDEM concerning the State's draft permit issuance for Tradebe.

State would like to issue their draft RCRA permit in February-March 2017 period. They have a statuary commitment to issue a permit within a year after receipt of the Part B application.

They indicated that they would modify the permit to include an (exempted) unit if there is a new information presented by the facility.

Jae

From: Galbraith, Michael
Sent: Monday, January 23, 2017 8:45 AM
To: Lee, Jae <lee.jae@epa.gov>
Subject: Re: Tradebe Draft Permit Renewal

Jae - thanks for the quick response. [redacted]

Mike Galbraith
Permits Branch (5303P)
Program Implementation/Information Division
Office of Resource Conservation and Recovery
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

From: Lee, Jae
Sent: Monday, January 23, 2017 9:34 AM
To: Galbraith, Michael; Valentino, Michael; Cunningham, Michael; Setnicar, Mary

Cc: Atagi, Tracy; Kohler, Amanda; Elliott, Ross; Young, Jessica
Subject: RE: Tradebe Draft Permit Renewal

Mike,

The State RCRA permit was expired in December 2016. The State RCRA permit is attached.

For the renewal permit, I don't think State has a plan to include the (exempted) thermal units in the permit.

For the inspection status, I don't think we (the federal) have conducted any inspection after 2014 NEIC inspection. But the State might did. I will check this more with our enforcement program.

[redacted]

Jae

From: Galbraith, Michael
Sent: Monday, January 23, 2017 8:06 AM
To: Lee, Jae <lee.jae@epa.gov>; Valentino, Michael <Valentino.Michael@epa.gov>; Cunningham, Michael <cunningham.michael@epa.gov>; Setnicar, Mary <Setnicar.Mary@epa.gov>
Cc: Atagi, Tracy <Atagi.Tracy@epa.gov>; Kohler, Amanda <Kohler.Amanda@epa.gov>; Elliott, Ross <Elliott.Ross@epa.gov>; Young, Jessica <Young.Jessica@epa.gov>
Subject: Re: Tradebe Draft Permit Renewal

Jae, as promised, below is ETC's legal rationale for filing a citizen suit which was communicated to us last week.

Can you please let us know when Tradebe's permit expires (or when it already expired), and whether there was a more recent inspection at the site, either by epa or the state, subsequent to the neic inspection in November of 2014?

Can you also provide us a copy of their existing rcra permit (you previously sent me their title v permit - I don't recall seeing their rcra permit - my apologies if you aleady provided that)

thanks!

"RCRA Section 3007 requires the Administrator or authorized state "to thoroughly inspect every facility for the treatment, storage, or disposal of hazardous waste for which a [RCRA] permit is required" at least every two years. RCRA uses the word "shall" which makes this inspection requirement a mandatory, non-discretionary duty. Upon information and belief, EPA has not conducted a RCRA inspection of the thermal desorption units (TDUs), nor has the State of Indiana.

In addition, RCRA Section 3005 requires a permit for the thermal treatment and disposal of hazardous wastes in the TDUs, and the regulatory exemption for recycling units does not apply. Because the facility does have a RCRA permit for its other hazardous waste activities, but not for thermal treatment and destruction of hazardous wastes in the TDUs, the Administrator also has a non-discretionary duty to revoke the facility's

RCRA permit. RCRA Section 3005(e) provides: "Upon a determination by the Administrator … of noncompliance by a facility having a permit under this chapter with the requirements of this section …, the Administrator … shall revoke such permit." The facility is in noncompliance with the requirements of RCRA section 3005 to obtain a RCRA permit for operation of the TDUs or to include the TDUs within its current permit. RCRA Section 3005(e) uses the word "shall" which makes permit revocation a mandatory, non-discretionary duty.

EPA can satisfy its non-discretionary duties under RCRA by conducting a thorough inspection of the TDUs' operations and including the TDUs within the facility's current or renewed RCRA permit. We believe the facility's RCRA permit is scheduled for renewal this year."

Mike Galbraith
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From: Galbraith, Michael
Sent: Monday, January 23, 2017 7:39 AM
To: Lee, Jae; Valentino, Michael; Cunningham, Michael; Setnicar, Mary
Cc: Atagi, Tracy; Kohler, Amanda; Elliott, Ross; Young, Jessica
Subject: Re: Tradebe Draft Permit Renewal

thanks Jae. I assume the draft permit currently does not cover the thermal aspects of their operations - is that correct?

Also, I thought tradebe said no later than march 7 - did that change?

[redacted]

We are meeting with OGC on Wednesday to get them up to speed on everything, and will be updating our office director today or tomorrow as well.

If there are any other updates we should know about, please let us know. Thanks!

Mike Galbraith
Permits Branch (5303P)
Program Implementation/Information Division
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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

From: Lee, Jae
Sent: Thursday, January 19, 2017 5:10 PM

To: Galbraith, Michael; Valentino, Michael; Cunningham, Michael; Setnicar, Mary
Subject: FW: Tradebe Draft Permit Renewal

IDEM informed us that they are planning to issue tentatively a draft permit to Tradebe in February 2017.

As I indicated before, Tradebe would submit their response for our information request in middle February.

[redacted]

Jae

From: JEAN, RUTH [mailto:RJEAN@idem.IN.gov]
Sent: Thursday, January 19, 2017 10:19 AM
To: Lee, Jae <lee.jae@epa.gov>
Subject: Tradebe Draft Permit Renewal

I am tentatively planning to issue Tradebe's Draft Permit Renewal by the end of February 2017. I will let you know if we are significantly delayed.

Thanks,

Ruth

Ruth A. Jean
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