Appointment

From: Fisher, Bethany [fisher.bethany@epa.gov]
Sent: 12/10/2018 10:58:23 PM
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CC: Holmes, Carol [Holmes.Carol@epa.gov]

Subject: Hazelton Creek NON
Attachments: Hazelton Creek.pdf; Hazelton Creek NON signed 4-24-18.pdf
Location: 202-991-0477, extension 4291354

Start: 12/11/2018 9:00:00 PM
End: 12/11/2018 10:00:00 PM
Show Time As: Busy

Apologies for the late call – schedules are tight this week! If someone critical can't make it, please let me know and I'll try to reschedule.

As you've likely all heard, on December 6, Hazelton Creek Properties, located in Moosic, PA, filed a petition for review under TSCA section 19(a) in the US Court of Appeals for the Third Circuit challenging a Notice of Noncompliance (NON) issued by EPA Region 3. The NON (which is not included with the petition but is attached separately here) asserts that placement of PCB materials on the site property at levels over 2 ppm, in compliance with a Pennsylvania State permit and Pennsylvania policy, constitutes a violation of the EPA TSCA PCB regulations. The NON says that EPA is "requesting" certain information related to the PCB use violations but also that within 30 days, Hazleton Creek "must respond to the questions presented in this Notice and you must certify by written statement that your facilities will no longer accept PCB-containing materials that contain PCBs at concentrations of 2 ppm or greater." Note that an EPA Region 3 letter sent in reply to a Hazelton Creek response to the NON (attached to the petition) says that "no corrective action is necessary…at this time," but cautions that further receipt by the company of such materials may result in EPA enforcement.

This call is to go over background and next steps, and to discuss the interplay between the NON and TSCA sections 16(a) and 19(a).