Message

**From:** Gee, Randy [Gee.Randy@epa.gov]
**Sent:** 6/14/2017 10:09:16 PM
**To:** Blanco, Arturo [Blanco.Arturo@epa.gov]; Allen, Mark [Allen.Mark@epa.gov]
**Subject:** FW: Monarch - Unit Construction & Op Status

FYI on Nambe Monarch

Randy

**From:** Kaleri, Cynthia
**Sent:** Wednesday, June 14, 2017 5:07 PM
**To:** Larson, Darrin <Larson.Darrin@epa.gov>
**Cc:** Thompson, Steve <thompson.steve@epa.gov>; Gee, Randy <Gee.Randy@epa.gov>
**Subject:** Monarch - Unit Construction & Op Status

As requested, Darrin, here's the status of my phone conversation with the company to find out status of construction & operations.

David Cardenas (rep for Monarch) called me back this afternoon in response to my voice mail about status of construction and operation of the Pyromed System – I told him that the tribe had communicated concerns about this and since we really didn't know the answer to their question about storage and operations, I was just trying to find out more about the current status. David said the unit had been constructed and they were operating, but that their lease allowed them to begin work. He said the tribe's attorney had contacted them and they explained through their attorney that they were *not* storing 55 gal drums of hazardous waste, but that **they were storing HMIW** *as allowed for in their lease* and that **they were operating** as also allowed for in the lease agreement. I believe he indicated that the lease agreement may need to be refined (?), but I didn't feel the need to get into such a discussion and asked him about whether or not they were going to pull their request for an AD.

He went on to explain that their consultant had spoken with Steve Thompson – however, I must say that his understanding was a bit different than what Steve had communicated to me yesterday. He indicated that Monarch was told by their consultant that Steve had agreed that the company should pull their request entirely and then EPA would work with Monarch to fix the back end of the process so that they could get the exemption in the rule (since the gas in the oxidizer appeared to be the problem).

I asked what exactly about being subject to the rule was causing such concern for them, and wondered if it was a particular requirement. He said that he had also been in contact with Bonnie from the first, and the **permit public comment period** is definitely the big concern for them (the rule requirement for a permit is the obstacle that they view would block their ability to operate given the history with their competitor, Stericycle). I told him the permitting was really not an issue in our evaluation, and that whether or not we issue the letter, if they are subject to the NSPS rule, then they would need to meet the rule requirements (and we believe that they are subject).

So most importantly, I let him know that if they have started up the unit for any reason, then the rule requires that they have 60 days to reach maximum capacity for conducting a performance test, but must conduct the performance test ***no later than 180 days after startup***. He explained they have a CEMs and so they should be good for that, but I encouraged him to look at the specific rule requirements that require other sampling needed as part of the pt, as well as CEMS QA requirements during the same. He wanted to look at this and so I let him know that the subpart actually references the NSPS General Provisions here – he wrote down my citation of **40 CFR §60.8** to see about pt requirements for sure.

I told him I would communicate the information back to you, Darrin, and that I would be out the next two days (he had wanted a meeting to discuss further the pt requirements). However, as I started writing this record, Steve Tenorio called and said that David had called him and let him know that someone at the tribe had contact us – he wanted to know who since he was the tribal contact. I told him that Governor wanted to know the status and my management had tried to answer his questions, but turned to me to find out the status of operations (since that wasn't a part of our initial evaluation). He seemed a bit frustrated since he thought he was acting on behalf of the tribe – and he has offered many times to let Governor come look at the operation. I didn't comment on any of this – just trying to get a status here.

Hope this helps ya'll on getting things sorted out prior to Sam's visit next week!!! Good luck.

***Cynthia J. Kaleri***
***Enforcement Officer, EPA Region 6***

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