



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

REGION 4  
ATLANTA FEDERAL CENTER  
61 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**SEP 29 2017**

April J. Webb, P.E., Manager  
Hazardous Waste Branch  
Division of Waste Management  
300 Sower Boulevard, 2nd Floor  
Frankfort, Kentucky 40601

SUBJ: EPA Comments on the Tentative Decision  
Daicel Safety Systems America, LLC  
Hazardous Waste Permit Modification and Termination  
Beaver Dam, Ohio County, Kentucky  
EPA ID #: KYR 000 034 207

Dear Ms. Webb:

The United States Environmental Protection Agency Region 4 appreciates the comment period extension to September 29, 2017, given by the Kentucky Energy and Environment Cabinet, Division of Waste Management (Kentucky), on its decision regarding the Daicel Safety Systems America, LLC (Daicel) November 2016 permit modification application. The EPA has reviewed the Daicel Resource Conservation and Recovery Act (RCRA) Permit Class 3 Modification Request for an earlier termination date for its hazardous waste permit; the RCRA closure plan modification; the revised RCRA Permit Application; and the Kentucky Division of Waste Management (KDWM) Draft Permit Modification Decision to approve the Daicel request. Based on our review, the EPA believes that the permit modification application should not be approved and the permit should remain (as it was prior to the modification application).

The EPA believes that the expiration date of the permit should not be changed to allow earlier permit termination. Although the modification seeks to change the termination date of the permit, clearly Daicel is attempting to change the permit conditions by stating that no regulated hazardous waste management activities are occurring in the burn cage unit. Adequate justification for operating without a permit is not provided and final closure is not warranted because hazardous gas generant wastes will continue to be treated onsite.

This treatment of the wastes continues to meet the definition of "open burning" under RCRA (40 C.F.R. § 260.10) and is subject to those requirements. The residue is solid waste (40 C.F.R. § 261.2(b)(2)) and is subject to RCRA hazardous waste regulation if it exhibits a hazardous characteristic. Mixing a hazardous waste with cement and placement of that material on the property constitutes disposal and this is subject to RCRA permitting requirements per 40 C.F.R Part 266, Subpart C.

Again, the EPA appreciates Kentucky's willingness to extend the comment period to allow the EPA additional time to fully evaluate the proposed termination of Daicel's permit. As Kentucky moves forward with its final decision on Daicel's permit modification request, the EPA is available to provide

further input and assistance regarding the legal and technical implications of this proposed action. Please do not hesitate to call me at (404) 562-8313 to discuss this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Farmer". The signature is fluid and cursive, with the first name "Alan" and last name "Farmer" clearly distinguishable.

G. Alan Farmer  
Director  
Resource Conservation & Restoration Division

cc: John Jump, KDWM  
Johnathan Brown, Daicel Safety Systems America, LLC  
Michael Gross, Daicel Safety Technologies America, LLC