



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

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

CERTIFIED MAIL – RETURN RECEIPT

JAN 12 2018

Ms. Kim Dukes
Daicel Safety Systems America, LLC
720 Old Liberty Church Road
Beaver Dam, Kentucky 42320

SUBJ: Final Permit Decision
Daicel Safety Systems America, LLC
EPA ID Number: KYR000034207

Dear Ms. Dukes:

On December 18, 2017, the Kentucky Department for Environmental Protection notified Daicel Safety Systems America, LLC (Daicel) that its request to terminate its hazardous waste permit had been granted. However, it is EPA's understanding that Daicel intends to continue to manage its NQ hazardous waste stream by thermally treating it, and then placing the residue (ash) in concrete.

Treatment is defined at 40 CFR Section 260.10 to mean "any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume." Thermal Treatment is defined at 40 CFR Section 260.10 to mean "the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste." Examples of thermal treatment include incineration and other methods, including open burning.

Based on our understanding, the NQ hazardous waste must undergo treatment prior to being used in concrete. Thermally treating the NQ hazardous waste is not reclamation; there is no product or material being recovered. Thermal treatment in this instance is destroying the NQ hazardous waste and reducing it to ash. Therefore, NQ cannot be a commercial chemical product being reclaimed. As such, NQ is a solid and a hazardous waste (D003) that has undergone treatment to become ash, and is therefore subject to the permit requirements of 40 CFR Part 270. NQ must be managed as a hazardous waste and if treated on-site, Daicel must have a permit.

Please respond to Larry Lamberth, of my staff, within two weeks of your receipt of this letter to state if Daicel intends to continue to thermally treat its NQ waste stream. The EPA is available to have a meeting or conference call with you or your representatives to discuss this issue further. Feel free to

contact Larry Lamberth at 404-562-8590 or at lamberth.larry@epa.gov to schedule a meeting or conference call.

Sincerely,

A handwritten signature in black ink, appearing to read "Carol J. Monell", with a stylized flourish at the end.

Carol J. Monell
Acting Director
Resource Conservation and Restoration Division

cc: Jon Maybriar, KDEP