



Via Email to [R9LandSubmit@epa.gov](mailto:R9LandSubmit@epa.gov)

May 28, 2020

Director, Land Division  
US Environmental Protection Agency, Region 9  
75 Hawthorne Street (LND-1)  
San Francisco, CA 94105

**Re: Evoqua Water Technologies – Parker, Arizona Facility**  
**USEPA ID No.: AZD 982 441 263**  
**Modification No. 006 – Class 1 – Extension Request for Permit Condition V.I.1.a**

Dear Mr. Scott:

In accordance with 40 CFR 270.42(a), Evoqua Water Technologies LLC hereby submits a Class 1 permit modification notification to the Environmental Protection Agency, Region 9 for the Hazardous Waste Permit issued to its facility located at 2523 Mutahar Street in Parker, Arizona. This permit modification is classified as a Class 1 modification in 40 CFR 270.42 Appendix I, Section A.5.a, which provide for "changes in interim compliance dates, with prior approval of the Director".

This Class 1 permit modification is being submitted to address the requirements of Permit Condition V.I.1.a, which currently states:

*Permittees shall submit a PDT Work Plan (that includes a Quality Assurance Project Plan and Sampling and Analysis Plan with Data Quality Objectives) meeting the requirements of Permit Condition V.I.1.c. to the Director for approval in accordance with Permit Condition I.G.5. within 120 days after the final Permit is effective.*

The final agency action notification for this portion of the Permit was issued and received on February 27, 2020, and that date is therefore the effective date for the purposes of Condition V.I.1.a. The submittal deadline within 120 days of the effective date currently requires submittal by June 26, 2020. Evoqua is requesting an amendment to change to the submittal date to September 9, 2020, an extension of 75 days.

The reason for this request is that the impacts of COVID-19 have caused delays in the planning for the performance demonstration test, including the preparation of the PDT work plan. The PDT work plan is a complex technical document, requiring input from a number of expert consultants and significant internal resources.

COVID-19 has essentially shut down a wide array of businesses across the country and the impacts have

been unprecedented. Resources have been diverted from regular business operations to address numerous issues associated with stay-at-home orders and a wide array of virus-related issues, from limited availability of personnel to supply chain issues to planning and implementation of health and safety protocols for continued safe operations.

To complete the PDT work plan, there are multiple contractors involved who should access the site in advance for planning purposes. Due to the travel restrictions and lock downs associated with COVID-19, and the diversions we have experienced to address COVID-19 impacts, we have not been able to arrange for site visits and it is not going to be possible to get everyone together to complete the contract language, work through the full test plan, get it internally reviewed and be ready for submittal by June 26, 2020.

The Centers for Disease Control has issued guidance urging Americans to avoid travel in order to protect the public health. [CDC guidance](#) currently says the following:

#### Travel Recommendations

“Cases of coronavirus disease (COVID-19) have been reported in all states, and some areas are experiencing community spread of the disease. Travel increases your chances of getting and spreading COVID-19.

CDC recommends you stay home as much as possible, especially if your trip is not essential, and practice social distancing especially if you are at higher risk of severe illness.”

#### Lodging

“CDC recommends you stay home as much as possible and avoid close contact, especially if you are at higher risk of severe illness. Staying in temporary accommodations (hotels, motels, and rental properties) may expose you to the virus through person-to-person contact and possibly through contact with contaminated surfaces and objects.”

Consistent with the threat posed by COVID-19, US EPA has made numerous statements and issued several guidance documents establishing that it understands the COVID-19 virus is causing time delays and indicating that it will accommodate those delays as an exercise of discretion.

COVID-19 presents all of us with an unprecedented level of complications and challenges. These conditions require a relatively modest delay in the completion of the PDT work plan and Evoqua therefore requests that EPA agree to amend Condition V.I.1.a. of the permit to extend the deadline for submitting the PDT work plan from 120 days to 195 days from the effective date.

#### Posting Instructions for this modification:

Upon issuance of the Director's approval, please change the submittal deadline in Condition V.I.1.a. from



120 days to 195 days.

Notifications:

A Class 1 permit modification requires a notice to the Facility mailing list within 90 days of the date the change is put into effect.

Permit modifications will be posted at the follow electronic address:

<http://www.evoqua.com/en/about/service-locations/Pages/Parker-AZ-Permits.aspx>

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

Permittee

EVOQUA WATER TECHNOLOGIES LLC

By: \_\_\_\_\_

Its: *President, ISS segment*

cc: Director, CRIT Environmental Protection Office



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Monte McCue  
Evoqua Water Technologies  
2523 Mutahar St.  
Parker, Arizona 85344  
Sent Via Email: [monte.mccue@evoqua.com](mailto:monte.mccue@evoqua.com)

Dennis Patch  
Chairman  
Colorado River Indian Tribes  
26600 Mohave Road  
Parker, Arizona 85344  
Sent Via Email: [dennis.patch@crit-nsn.gov](mailto:dennis.patch@crit-nsn.gov)

**SUBJECT: Director Acceptance of Permit Modification Request No. 006**

Dear Permittees:

The USEPA Region 9 has received Permit Modification Request No. 006 from Evoqua Water Technologies LLC (EWT) to modify the RCRA Permit for the hazardous waste carbon reactivation facility located at 2523 Mutahar Street on the CRIT Reservation near Parker, Arizona. We also received the attached letter from the Colorado River Indian Tribes (CRIT) stating that “the Tribes do not oppose the short extension requested by Evoqua at this time, in light of COVID-19 related impacts on business operations.”

Permit Modification Request No. 006 has been submitted in accordance with Permit Condition I.G.9.a of the Final RCRA Permit, as modified by Permit Modification No. 005. Permit Modification Request No. 006 requests a modification of Permit Condition V.I.1.a, which currently states:

*Permittees shall submit a PDT Work Plan (that includes a Quality Assurance Project Plan and Sampling and Analysis Plan with Data Quality Objectives) meeting the requirements of Permit Condition V.I.1.c. to the Director for approval in accordance with Permit Condition I.G.5. within 120 days after the final Permit is effective.* (Emphasis added).

Permit Modification Request No. 006 requests to extend the deadline set forth in RCRA Permit Condition V.I.1.a. for submitting the PDT work plan due to delays in the planning for the PDT test, including the preparation of the PDT work plan, because of the impacts of the COVID-19 pandemic. The request seeks to change the referenced PDT work plan deadline of 120 days to 195 days from the Permit’s effective date, for an additional 75 days.

Modification Request No. 006 is a RCRA Class 1 permit modification request that requires prior Director approval in accordance with 40 CFR § 270.42. This permit modification request was reviewed, is acceptable given the circumstances presented in the request, and is hereby approved. The new deadline for submitting the items outlined in Condition V.I.1.a is September 9, 2020.

EPA shares CRIT’s concerns and expects to see the work plan completed within this 75-day extension period. Meanwhile, the Agency is available, via remote conferencing and other means, to provide any assistance that may be needed to make sure the PDT work plan complies with the requirements of the Final RCRA Permit.



Please note that the notification required by 40 CFR § 270.42(a)(1)(ii) must be completed within 90 calendar days after the date of this letter.

If you have questions about this letter, please feel free to contact me at (415) 972-3311 or contact Barbara Gross, Manager of the Permits Section, at (415) 972-3972 or via email at [gross.barbara@epa.gov](mailto:gross.barbara@epa.gov).

Sincerely,

Jeff Scott, Director  
Land, Chemicals and Redevelopment Division

cc: Keith Moses, Vice Chairman, CRIT Tribal Council (via email)  
Granthum Stevens, Treasurer, CRIT Tribal Council (via email)  
Amelia Flores, Secretary, CRIT Tribal Council (via email)  
Johnny Hill, Jr., Council Member, CRIT Tribal Council (via email)  
Anisa Patch, Council Member, CRIT Tribal Council (via email)  
Robert Page, Council Member, CRIT Tribal Council (via email)  
Johnson Fisher, Council Member, CRIT Tribal Council (via email)  
Tommy Drennan, Council Member, CRIT Tribal Council (via email)  
Wilfred Nabahe, Director, CRIT Environmental Protection Office (via email)  
Rebecca Loudbear, Esq. Attorney General, CRIT (via email)  
Antoinette Flora, Esq., Deputy Attorney General, CRIT (via email)  
Stephen Richmond, Esq., Beveridge & Diamond, P.C. (via email)