

**SECTION  
L**

**CERTIFICATION**

**Evoqua Water Technologies  
2523 Mutahar Street  
Parker, Arizona 85344**

**Revision 3  
April 2016**

**TABLE OF CONTENTS**

| <b><u>Section</u></b> |                     | <b><u>Page</u></b> |
|-----------------------|---------------------|--------------------|
| L.1                   | CERTIFICATION ..... | L-1                |

### L.1 CERTIFICATION

This section meets the requirements for signatories to permit applications as specified by 40 CFR 270.11.

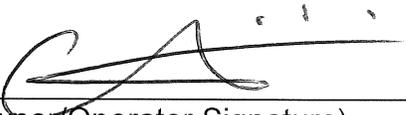
"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the 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."

Evoqua Water Technologies LLC

AZD 982 441 263

Facility Name

USEPA Identification Number

  
\_\_\_\_\_  
(Owner/Operator Signature)

*March 17, 2016*

\_\_\_\_\_  
(Date signed)

Christopher Rinaldi, Vice President & General Manager  
(Name and Official Title, print or type)

The Colorado River Indian Tribes certifies under penalty of law that it understands that this application is being submitted for the purpose of obtaining a permit to operate a facility to receive, store, treat, recycle, repackage and subsequently transport hazardous waste. I understand fully that the Colorado River Indian Tribes, as the beneficial landowner pursuant to P.L. 88-302, and Evoqua Water Technologies LLC, the lessee of the land and owner of certain fixtures located thereon, are jointly and severally responsible for compliance with applicable provisions of RCRA, its implementing regulation and any permit issued pursuant to the application and those regulations.

\_\_\_\_\_  
(Property Owner Signature)

\_\_\_\_\_  
(Date signed)

\_\_\_\_\_  
(Name and Official Title, print or type)



# COLORADO RIVER INDIAN TRIBES

## *Colorado River Indian Reservation*

26600 MOHAVE ROAD  
PARKER, ARIZONA 85344  
TELEPHONE (928) 669-1220  
FAX (928) 669-1216

April 25, 2016

United States Environmental Protection Agency  
Region IX  
Jeff Scott, Land Division Director  
75 Hawthorne Street  
San Francisco, CA 94105-3901

RE: Evoqua Water Technologies, LLC RCRA Hazardous Waste Permit

Dear Mr. Scott:

The Colorado River Indian Tribes (CRIT) writes to inform the U.S. Environmental Protection Agency (EPA or Agency) that it has approved the endorsement of its 2009 signature on the RCRA Hazardous Waste Part B Permit Application Certification for the Evoqua Water Technologies, LLC facility in Parker, AZ. The resolution of Tribal Council endorsing the prior signature is attached along with a copy of the original Part B Permit Application Certification signature page. CRIT expects the EPA to continue to maintain regular communications and government-to-government consultation with CRIT regarding the status of the RCRA permit as outlined in your letter of March 7, 2016. If you have any questions regarding this letter please contact Rebecca A. Loudbear, Attorney General, at (928) 669-1271.

Sincerely,

COLORADO RIVER INDIAN TRIBES

A handwritten signature in blue ink, appearing to read "D. Patch".

Dennis Patch  
Chairman

cc: CRIT Tribal Council  
Rebecca A. Loudbear, CRIT Attorney General  
Wilfred Nabahe, CRIT EPO Director  
MimiNewton, EPA Region 9 Assistant Regional Counsel (via email)

**RESOLUTION**  
COLORADO RIVER TRIBAL COUNCIL

A Resolution to Endorse Previous Signature on Evoqua Water Technologies, LLC RCRA Part B Permit Application

Be it resolved by the Tribal Council of the Colorado River Indian Tribes, in *special* meeting assembled on April 8, 2016

WHEREAS, the Colorado River Indian Tribes (hereinafter "CRIT" or "Tribe") is a federally recognized Indian Tribe, duly organized with a tribal governing body known as the Tribal Council according to the provisions contained in the Indian Reorganization Act of June 18, 1934; and

WHEREAS, Article VI, Section 1(e) of the Constitution of the Colorado River Indian Tribes authorizes the Tribal Council to negotiate and enter into business contracts and ventures for the economic benefit of the Tribe; and

WHEREAS, On October 26, 2009, the Tribal Council adopted Resolution No. 303-09 approving an Indemnification Agreement with Siemens Water Technologies Corporation, now Evoqua Water Technologies, LLC ("Evoqua"), through its predecessors, and the Tribes have previously entered into a business lease under which Evoqua has leased a parcel of land in the Tribe's Industrial Park for the purpose of operating a carbon reactivation plant ("Facility") that reactivates spent carbon; and

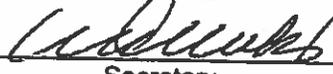
WHEREAS, the Facility is subject to regulation by the United States under the Resources Conservation and Recovery Act and its implementing regulations ("RCRA"); and

WHEREAS, the Facility has been operating in interim status under RCRA and pursuant to those requirements, Evoqua has completed and is prepared to submit a permit application under Part B of the RCRA; and

The foregoing resolution was on April 8, 2016 duly approved by a vote of 6 for, 0 against and 0 abstaining, by the Tribal Council of the Colorado River Indian Tribes, pursuant to authority vested in it by Sections 1.e., Article VI of the Constitution and By laws of the Tribes, ratified by the Tribes on March 1, 1975 and approved by the Secretary of the Interior on May 29, 1975, pursuant to Section 16 of the Act of June 18, 1934, (46 Stat. 984). This resolution is effective as of the date of its adoption.

COLORADO RIVER TRIBAL COUNCIL  
By

  
\_\_\_\_\_  
Chairman Acting

  
\_\_\_\_\_  
Secretary Acting

**RESOLUTION NO. R- 138-16**

**APRIL 8, 2016**

**PAGE 2**

WHEREAS, the Tribe as landowner, must certify the permit application before it can be submitted to the United States Environmental Protection Agency ("EPA"); and

WHEREAS, the Facility is subject to concurrent regulation under the federal RCRA and the Tribes' Environmental Protection Agency ("EPA"); and

WHEREAS, the Tribal Council has executed an Indemnification Agreement with Evoqua and Agreement By and Between Evoqua Water Technologies LLC and CRIT as authorized by Resolution No. 92-16.

NOW, THEREFORE, BE IT RESOLVED by the Tribal Council of the Colorado River Indian Tribes to endorse the previous December 9, 2009 signature on the Evoqua Water Technologies, LLC RCRA Part B Permit Application; and

BE IT FURTHER RESOLVED Evoqua has executed an Indemnification Agreement, to defend and hold harmless the Tribes against certain legal actions that may be brought by the EPA; and

BE IT FURTHER AND FINALLY RESOLVED the Tribal Council Chairman or Secretary, or their designated representatives, are hereby authorized and directed to execute any and all documents necessary to implement this Resolution.

**L.1 CERTIFICATION**

This section meets the requirements for signatories to permit applications as specified by 40 CFR 270.11.

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision according to 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.

**Facility Name**

**USEPA Identification Number**

Siemens Water Technologies Corporation

AZD 982 441 263

\_\_\_\_\_  
(Owner/Operator Signature)

\_\_\_\_\_  
(Date signed)

\_\_\_\_\_  
(Name and Official Title, print or type)

The Colorado River Indian Tribes certifies under penalty of law that it understands that this application is being submitted for the purpose of obtaining a permit to operate a facility to receive, store, treat, recycle, repackage and subsequently transport hazardous waste. I understand fully that the Colorado River Indian Tribes, as the beneficial landowner pursuant to P.L. 88-302, and Siemens Water Technologies Corporation, the lessee of the land and owner of certain fixtures located thereon, are jointly and severally responsible for compliance with applicable provisions of RCRA, its implementing regulations and any permit issued pursuant to the application and those regulations.

  
\_\_\_\_\_  
(Property Owner Signature)

12/10/09  
\_\_\_\_\_  
(Date signed)

EDDRED ENAS TRIBAL CHAIRMAN  
\_\_\_\_\_  
(Name and Official Title, print or type)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

CERTIFIED US MAIL: 7000 0520 0025 3714 5177  
RETURN RECEIPT REQUESTED

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

MAR 07 2016

Dear Chairman Patch:

During August 2014, the U.S. Environmental Protection Agency (EPA or Agency) initiated tribal consultation with the Colorado River Indian Tribes (CRIT) with respect to the RCRA Hazardous Waste Permit Application submitted to EPA for a carbon regeneration facility on CRIT land, which is operated by Evoqua Water Technologies, LLC (Evoqua).

Signature Request

The enclosed letter pertains to the status of the Evoqua RCRA Hazardous Waste Permit Application and is directed to both CRIT and Evoqua. Briefly, it requests both parties submit signatures, which constitute the final pieces of the Part B Permit Application. For CRIT, we understand CRIT's desire to wait until all the other pieces of the application were in place before providing either its endorsement of the signature previously provided in 2009 or a renewed signature. We recognize that CRIT could also decide neither to endorse its previous signature nor sign the application anew.

Without the signatures of both the land "owner" and facility "operator," the Permit Application is incomplete. Therefore, the enclosed letter formally requests these outstanding pieces of the Permit Application from CRIT and Evoqua. We are seeking the information no later than April 25, 2016 so that we may proceed to the next phase of the permitting process.

If the final pieces of the RCRA Part B Permit Application are received within the requested time period, EPA can make a "completeness determination" for the Permit Application in accordance with Title 40 of the Code of Federal Regulations (40 CFR) Section 270.10(c). If EPA determines that the application is complete, EPA will publish the availability of the entire Permit Application to the public in accordance with 40 CFR Section 124.32(b). However, if the Permit Application is determined to be incomplete, the Agency may determine that it is appropriate to propose a denial of the application in accordance with 40 CFR Section 124.3(d).

Once a proposed permit decision to either grant or deny the permit application is published, a 45-day public comment period will begin. During that time CRIT, Evoqua, and the public at large can review the proposed permit decision and EPA's Administrative Record supporting it. EPA will host a Public Meeting and a Public Hearing for the community to answer questions and hear comments on the proposed permit decision.

#### Status of EPA Consultation with CRIT

EPA regards its formal consultation with CRIT as a critical part of the RCRA permitting process for the Evoqua facility. CRIT's status as the beneficial landowner of the trust land on which the facility is located makes that consultation process all the more significant. We hope that our efforts to reach out to CRIT through its Council, its Environmental Protection Office, and its Attorney General's Office have been meaningful and that the Agency has been responsive in answering the questions and concerns that Tribal representatives have raised.

Since EPA initiated formal Tribal consultation in the letter dated August 28, 2014, EPA made two presentations about the facility and the Permit Application to the CRIT Council, one on September 22, 2014, and another on March 12, 2015. CRIT and the Agency have corresponded about the facility in letters from EPA to CRIT dated January 27, 2015, February 12, 2015, March 5, 2015 and April 16, 2015, as well as in letters from CRIT to EPA dated February 19, 2015 and October 20, 2015. EPA staff have also had monthly calls with the CRIT Environmental Protection Office and periodic communication with the CRIT Attorney General's office.

On March 12, 2015 EPA reached out to the Tribal and Parker communities by holding an informational public meeting at the Parker Community Senior Center. EPA answered questions and provided the audience with information on how to get involved during the public comment period and public meeting/public hearing that will be held after the agency announces the draft permit decision.

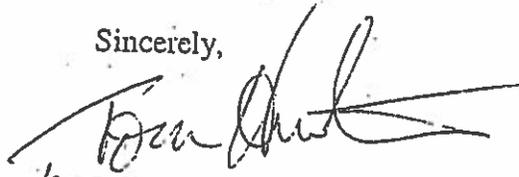
As we near the time to make a "completeness determination" on the RCRA Part B Permit Application, we would like to bring this phase of the formal consultation process with CRIT to a close by April 25, 2016. The meetings and letters that have to date formed our formal consultation have resulted in EPA's understanding that the Council is reserving its decision regarding endorsement of the application, either through submittal of a new Tribal signature, endorsement of the 2009 signature, or declining to sign the permit application. The enclosed letter requests that CRIT make this decision and inform EPA of its decision by no later than April 25, 2016.

I want to reassure you that EPA and CRIT's lines of communication concerning this facility will remain open beyond the closeout of the current formal Tribal consultation. Per the March 5, 2015 letter, a separate formal consultation will occur in advance of a final permit decision. If a permit is issued, EPA will continue regular communication and coordination regarding hazardous waste management at the facility with the Tribal Council. We suggest that together we plan for EPA representatives to brief the Council regarding the Evoqua facility at least annually.

If there are pending technical or procedural questions that CRIT feels remain unanswered by EPA, we encourage CRIT to communicate those issues to the Agency as soon as possible. We will continue to address any and all matters raised by CRIT with respect to this facility, both during the consultation process and as issues, decisions or questions arise.

If you have any 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.

Sincerely,



Jeff Scott,  
Director, Land Division

cc: Keith Moses, Vice Chairman, CRIT Tribal Council (via email)  
Amanda Barerra, Secretary, CRIT Tribal Council (via email)  
Valerie Welsh-Tahbo, Treasurer, CRIT Tribal Council (via email)  
Johnny Hill, Jr., Council Member, CRIT Tribal Council (via email)  
Johnson Fisher, Council Member, CRIT Tribal Council (via email)  
Amelia Flores, Council Member, CRIT Tribal Council (via email)  
Herman Laffoon, Council Member, CRIT Tribal Council (via email)  
Granthum Stevens, Council Member, CRIT Tribal Council (via email)  
Wilfred Nabahe, Director, CRIT Environmental Protection Office (via email)  
Rebecca Loudbear, Attorney General, CRIT (via email)  
Tom Huetteman (via email)  
Barbara Gross (via email)