



Clean Harbors Environmental Services, Inc.
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Sent Via Federal Express

August 13, 2013

Dr. Ernest Moniz
Secretary of Energy
S/7A-257/FORS
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Dear Dr. Moniz:

Mercury regulated under the Mercury Export Ban Act of 2008 (MEBA) is required to be stored at a designated federal facility in operation by 01/01/2013. If a federal facility is not operational by that date, elemental mercury may be stored at a facility with a permit that has been issued under section 3005(c) of the Solid Waste Disposal Act (42 U.S.C. 6925(c)), and shall not be subject to the storage prohibition of section 3004 (j) of the Solid Waste Disposal Act (42 U.S.C 6924(j)) if:

- (i) The Secretary is unable to accept the mercury at a facility designated by the Secretary under subsection (a) for reasons beyond the control of the owner or operator of the permitted facility;
- (ii) The owner or operator of the permitted facility certifies in writing to the Secretary that it will ship the mercury to the designated facility when the Secretary is able to accept the mercury; and
- (iii) The owner or operator of the permitted facility certifies, in writing to the Secretary that it will not sell, or otherwise place into commerce, the mercury.

Clean Harbors Arizona, LLC is a Part B permitted hazardous waste TSDf licensed by both ADEQ and EPA to accept waste for storage. The facility meets all requirements of MEBA, including:

- Equipment necessary for routine operation, emergencies, monitoring, checking inventory, loading and storing elemental mercury at the facility.
- Fire detection systems including a permanent fire suppression system.

Clean Harbors Arizona, LLC will store elemental mercury in accordance with MEBA and certifies that it will ship mercury to the designated federal facility when it is able to accept the mercury and will not sell or otherwise place the mercury into commerce.



Should you have any questions concerning this matter, please contact me at kuhn.john@cleanharbors.com or at 803-691-3426.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kuhn". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Scott Kuhn
Vice President, Corporate Environmental Compliance
Clean Harbors Environmental Services, Inc.

Cc:

Mel Bunkers - Arizona Department of Environmental Quality
Brian Parker - CHA
Lin Longshore - CHES
Joe Christopher - CHES