FACT SHEET

NOTICE OF INTENT TO APPROVE A VARIANCE FROM OBTAINING A HAZARDOUS WASTE MANAGEMENT TREATMENT, STORAGE, AND DISPOSAL PERMIT FOR P KAY METALS EPA ID No. IDR000205476

This fact sheet sets forth the principal facts pertaining to a variance from obtaining a hazardous waste treatment, storage, and disposal (TSD) permit that the Idaho Department of Environmental Quality (DEQ) is proposing to approve and issue to P. Kay Metal (PKM). In accordance with IDAPA 58.01.05.356 (Variance Applications for TSD Facilities or Sites), PKM has submitted a renewal application for a variance from obtaining a hazardous waste TSD permit.

The regulatory basis for the conditions and requirements of the variance can be found within Idaho Code § 39-4409(7) and the Rules and Standards for Hazardous Waste, IDAPA 58.01.05.004 through 58.01.05.012 [40 CFR Parts 260 through 266, 268, and 270].

A. PURPOSE OF THE VARIANCE RENEWAL PROCESS

The purpose of the variance process is to specify administrative and operational requirements for the applicant to comply with the Idaho Hazardous Waste Management Act of 1983, as amended, and regulations promulgated thereunder by DEQ.

Idaho Code § 39-4424 requires that manifested waste be treated, stored, or disposed of at a permitted hazardous waste treatment, storage, and disposal facility. The variance allows P. Kay Metal to receive shipments of lead metal hazardous secondary material (HSM). The lead HSM may be shipped by the originator from outside the State of Idaho using a uniform hazardous waste manifest with federal hazardous waste code D008 or other state-specific code due to regulatory requirements in the originator's state, that are not applicable in Idaho. The variance does not authorize receipt of hazardous waste, only HSM. Idaho law does not require this type of HSM to be shipped on a uniform hazardous waste manifest.

Pursuant to § 39-4409(7), the Hazardous Waste Bureau has the authority to issue a variance from the TSD permitting process if, in judgement of the director, application of the requirements would cause unreasonable hardship and the granting of a variance would not be harmful to the public interest or inconsistent with RCRA requirements. A variance shall not exceed one (1) year in duration and may be renewed or extended only after the department provides public notice and an opportunity for public comment. The variance request, supporting data provided by the applicant, and all other documents retained by DEQ in support of the variance are available for review.

B. PROCEDURES FOR REACHING A FINAL DECISION

IDAPA 58.01.05.356.03 requires that DEQ hold a public hearing on any application to renew or extend a variance. The public hearing must be held at a location in the county where the operations that are the subject of the application are conducted unless it’s determined that a different location or virtual

format is more appropriate and convenient for interested members of the public. DEQ must give at least twenty (20) calendar days' notice of the hearing to the applicant and publish at least one (1) notice in a newspaper with general circulation in either the county where the operation is conducted or the county where the hearing is to be held.

All persons wishing to comment, may comment at the **virtual only** public hearing on the intent to approve the variance on **January 7, 2026**, via Microsoft Teams. The hearing will begin at **5:30 pm PST**. The link to the Microsoft Teams meeting can be found by going to the DEQ website at https://www.deq.idaho.gov/events/

When making the final determination regarding the approval of this variance renewal, DEQ will consider all comments received during the public hearing, and applicable requirements of IDAPA 58.01.05.000 *et seq*., and all other applicable federal, state, or local laws.

C. FACILITY DESCRIPTION

P. Kay Metal Lewiston began operations in December 2017 and is located at 152 Southport Avenue, in Lewiston, southwest of the Nez Perce County Airport. PKM processes incoming lead HSM from several sources and manufactures solders and lead alloys in bar or wire form. The facility stores HSM for less than 90 days and processes the metal through melting, casting, and forming before shipping offsite. As conditions of the variance PKM must implement a Contingency Plan, as required by IDAPA 58.01.05.005 [40 CFR 261.420]; adjust annually the Closure Plan and Closure Cost Estimate, as required by IDAPA 58.01.05.005 [40 CFR 261.142]; maintain Financial Assurance documentation of at least the amount of the Closure Cost Estimate, as required by IDAPA 58.01.05.005 [40 CFR 261.143 and 40 CFR 261.151]; and maintain Liability Insurance documentation maintaining liability coverage for sudden accidental occurrences in the amount of at least $1 million per occurrence, with an annual aggregate of at least $2 million, and liability coverage for non-sudden accidental occurrences in the amount of at least $3 million per occurrence, with an annual aggregate of at least $6 minion, exclusive of legal defense costs, as required by IDAPA 58.01.05.005 [40 CFR 261.147(a) and (b) and 40 CFR 261.151].

D. SUMMARY OF PROPOSED VARIANCE

The Department of Environmental Quality (DEQ) is proposing to renew a variance from obtaining a hazardous waste treatment, storage, and disposal facility permit for the P. Kay Metal Lewiston Facility. The variance is based on the application submitted by P. Kay Metal as required under Idaho's Hazardous Waste Management Act. Associated with this approval, DEQ is holding a public hearing pursuant to IDAPA 58.01.05.356.02.