

9551.1990(12)

NO-MIGRATION PETITION FOR SINCLAIR OIL, OK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOV 8 1990

Mr. Joel Rich
Sinclair Oil Company
902 West 25th Street
Tulsa, OK 74107

Re: No-Migration Petition submitted for Sinclair Oil Company,
Walnut Grove Land Treatment Facility, Tulsa, Oklahoma

Dear Mr. Rich:

I am writing in regard to your June 14, 1990 "no-migration" petition, which requests a variance under 40 CFR §268.6 to allow Sinclair oil Company to continue the land treatment of restricted wastes (EPA Hazardous Waste Nos. K049, K050, K051 and K052) at the Walnut Grove land treatment facility in Tulsa, OK. We have completed an initial review of the petition for overall administrative and technical completeness. As you know, the statute establishes a very strict standard for no-migration variances. The standard to be met requires demonstration of no migration (to a reasonable degree of certainty) of hazardous constituents beyond the unit boundaries. Based on our evaluation of the petition, we have concluded that Sinclair's Tulsa facility does not meet that stringent standard. As a result, we intend to dismiss your petition.

It is our policy to dismiss petitions that contain deficiencies which require more than six months for the petitioner to correct, or that show evidence clearly indicating releases of hazardous constituents to environmental media have already occurred. Our decision to dismiss your petition is based on the present groundwater monitoring system not being able to detect migration at the earliest practicable time as required by the Agency's no-migration petition requirements (see 40 CFR §268.6(a)(4)) and that soil-pore data provided in the petition indicate that releases have already occurred at the land treatment facility.

First, EPA's review of the Groundwater Assessment Plan and the Third Quarterly Progress Report of the RFI Workplan revealed that the current groundwater monitoring system is inadequate to detect the migration of hazardous constituents from the Walnut Grove land treatment unit at the earliest practicable time. The Groundwater Assessment Plan was required by a Consent Agreement between Oklahoma State Department of Health (OSDH) and Sinclair on April 9, 1990 because of non-compliance with the land

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treatment facility's (LTF) permit. The LTF's background groundwater monitoring well (WTP-4) is located in a solid waste management unit (SWMU-C) and is also being affected by a hydrocarbon plume. To come into compliance, Sinclair agreed to expand the groundwater sampling and analysis plan to meet the requirements of 40 CFR §270.14(c)(4). Specifically, Sinclair must develop a plan capable of determining the extent of migration of hazardous constituents into the groundwater and the background concentration of all Appendix IX constituents detected at the point of compliance. A plan has not yet been approved by OSDH. In addition, the Third Quarterly Progress Report states that the existing upgradient and downgradient monitoring wells at the Walnut Grove facility may not comply with EPA's Technical Enforcement Guidance Document (TEG-D), well installation and completion requirements. Further investigation is required to determine if the wells are in compliance.

Second, lead has been detected in the soil-pore water monitored at the land treatment unit. Sampling analysis data from all the lysimeters at the Walnut Grove facility (WGL-1, WGL-2, WGL-3, WGL-4, WGL-5, and WGL-6) from 1981 through 1988 show concentrations above the health-based level (0.05 mg/L) for lead. More recent data were not provided in the petition. The sampling analysis data provide evidence that migration has already occurred beyond the unit boundary at hazardous concentrations.

The effect of our dismissal will be to close your petition file. If you disagree with our intent to dismiss your petition, you may submit a letter explaining why you believe a dismissal is not warranted. If we do not receive such correspondence within two weeks from the date you receive this letter, the dismissal of your petition will become effective. You may choose to submit a new petition for this land treatment facility in the future, once you have an approved plan for a groundwater monitoring system in compliance with 40 CFR §265 and §270 requirements. However, the evidence that releases of hazardous constituents have migrated beyond the unit boundary would serve as the technical basis for the development of a proposed Federal Register denial of the petition.

If you have any questions regarding the dismissal of your petition or require additional information, please contact Jim Michael of my staff at (202) 382-2231.

Sincerely,

Original Document Signed

Don R. Clay
Assistant Administrator

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cc: Patricia Cohn, PSPD, OSW
James Michael, PSPD, OSW
Terry Keidan, PSPD, OSW
Bill Honker, Region VI
Bill Gallagher, Region VI

bcc: Athena Rodbell, PSPD, OSW
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