

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Mr. Jose A. Boix  
Senior Environmental Specialist  
Solutia, Inc.  
F.M. 2917  
P.O. Box 711  
Alvin, Texas 77521

Dear Mr. Boix:

You recently suggested a change to the temporary authorization language found in 40 CFR 270.42(e)(2)(iii). As you are aware, this section of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations requires the permittee to send a notice to persons on the facility mailing list within seven days of submission of the temporary authorization request.

EPA is committed to providing opportunities for meaningful public participation in the RCRA permitting program. The intent of the referenced notice is to inform members of the community that the facility is seeking temporary authorization to implement a change to the equipment or operations prior to submitting a formal Class 2 Permit Modification. This early notification allows the community to be informed of the potential anticipated changes. Community members may then provide supplemental information or voice any potential concerns or support to the permitting authority, prior to action being taken on the request.

Rather than the notification becoming "useless" if the permitting authority denies the request, as you suggest, we believe that the notification provides an important notice to the community so that they may be involved in the permitting decision. In fact, information supplied by the community may be considered in the decision made by the permitting authority on the temporary authorization request.

Your suggestion that the notice would be more effective if it were provided after the permittee receives approval for their temporary authorization request is counter to our policy of providing early public participation opportunities. Instead, it might be useful for facilities to provide an additional notice to persons on the mailing list of the temporary authorization decision. RCRA facilities in many cases are finding that going beyond the minimum public participation requirements makes good business sense.

If you have any further questions on RCRA permitting topics, please feel free to

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contact Vernon Myers of my staff at (703) 308-8660.

Sincerely,

Elizabeth A. Cotsworth, Acting Director  
Office of Solid Waste

**Solutia Inc.**  
FM. 2917  
PO Box 711  
Alvin, Texas 77512  
Tel 281-581-2161

March 24, 1998

**CERTIFIED MAIL - Z197212095  
RETURN RECEIPT REQUESTED**

Ms. Elizabeth Cotsworth, Acting Director  
US EPA - Office of Solid Waste  
401 M Street SW

Washington. D.C. 20460

SUBJECT: SOLUTIA INC. - CHOCOLATE BAYOU PLANT  
ISW REG.: 30138  
HW PERMIT: 50 189-001  
EPA ID: TXD001700806

Dear Ms. Cotsworth:

This letter is to propose a modification to the language used for provision 40 CFR 270.42(e)(2)(iii) under the title Temporary Authorizations.

As written, the permittee must send notice "*within seven days of submission of the authorization request.*" However, since the Director may deny (40 CFR 270.42(e)(3)) the request for temporary authorization, the effort of notification becomes useless. It would seem more effective to provide the required notification "*within seven days of receipt of the approval from the Director.*"

We continue to appreciate your support in our efforts to effectively manage our industrial solid waste program. If you have any questions, please contact me by phone 281.228.4313, FAX 281.228.4317 or EMail "jaboix@solutia.com".

Sincerely,

Jose A. Boix  
Senior Environmental Specialist  
Formerly the chemical businesses of Monsanto Company

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