

9551.1988(09)

EXTENSION OF APPLICABLE EFFECTIVE DATE OF THE LAND DISPOSAL
RESTRICTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUG 11 1988

Mr. James W. Walpole
Plant Manager
BP Chemicals International
Sohio Division
Ft. Amanda Road
Post Office Box 628
Lima, Ohio 45802-0628

Dear Mr. Walpole:

This letter responds to your July 19, 1988, correspondence requesting the Environmental Protection Agency (EPA) to act on your case-by-case extension petition for an extension of the applicable effective date of the land disposal restrictions. This petition addresses K011, K013, and K014 wastes, generated at BP Chemicals International, which you want to continue treating in a surface impoundment until November 8, 1988. We have completed a preliminary review of your petition. However, more information is needed before a determination can be made to grant or deny your request. This information is necessary to satisfy the demonstrations for a case-by-case extension of an effective date specified in 40 CFR 268.5.

Under 40 CFR 268.5(a)(1) the petitioner is required to make a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage his waste in accordance with the land disposal restrictions. Your application addresses off-site capacity by claiming that off-site disposal capacity is available, but the logistics of loading, transporting, and unloading the large volume of wastewater prevents the use of such capacity. To satisfy this demonstration you must also address the availability of on-site capacity and, if the capacity is available, the feasibility of using such capacity.

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As required by 40 CFR 268.5(a)(2) the applicant must demonstrate that there is a binding contractual commitment to construct or otherwise provide alternative treatment, recovery, or disposal capacity. In your petition you give only the signature dates for individual contracts which will provide alternative treatment capacity. To make this showing you will have to provide a copy of the signed contracts, which includes the signature page. This material will be used by EPA to determine the scope of the contracts and to verify that the contracts have been signed.

As specified in 40 CFR 268.5(a)(4) a successful petition must show that the capacity being constructed or otherwise provided will be sufficient to manage the entire quantity of waste that is the subject of the application. Although your petition states that the alternative capacity will have the volume of the surface impoundment it is replacing you need to provide numerical values for the volumes of the individual treatment system units and the maximum flow rates that can be accommodated by these units. This information will support your general statement.

Under 40 CFR 268.5(a)(6) the petitioner must arrange for adequate capacity to manage his waste during an extension period and document in the application the location of all sites at which the waste will be managed. You state that the waste will undergo physical treatment in the surface impoundment to reduce its solids content. This treatment should be described in more detail, and you must include the location of the surface impoundment. Furthermore, you fail to show how and where the solids from physical treatment are to be managed. Locations can best be shown on a map of your facility.

To properly evaluate your petition EPA is requesting additional information pertaining to your facility. The Agency wants to know whether the ground water in the vicinity of the surface impoundment is contaminated. In addition, we are requesting a brief description of the impact of curtailing production.

EPA is making every effort to process your case-by-case extension petition as quickly as possible. However, this is a rulemaking procedure which for your application has the following minimum schedule:

middle of August - receive additional information on petition

end of August to end of September - write Federal Register notice proposing to grant petition

beginning of October - publish Federal Register notice proposing to grant petition

beginning to end of October - public comment period

beginning of November - write Federal Register notice granting petition

middle of November - publish Federal Register notice granting petition

To expedite the processing of your petition, please submit the requested information to the following address:

Ms. Barbara McGuinness
Acting Section Chief
Regulation Development Section (OS-333)
U.S. Environmental Protection Agency
401 M Street, SW
Washington, DC 20460

Should you have any questions, please call Barbara McGuinness at (202) 382-4800.

Sincerely,

Stephen R. Weil, Chief
Land Disposal Restrictions Branch