

9551.1987(14)

CASE-BY-CASE EXTENSION PETITION, INFORMATION REQUIRED

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 16 1987

Mr. D. L. Brucker, Plant Manager  
Taft Plant  
Union Carbide Corporation  
Post Office Box 50  
Hahnville, Louisiana 70057

Dear Mr. Brucker:

We have completed a preliminary review of your application for an extension of the effective date of the California list land disposal restrictions for corrosive wastewaters generated at your facility. However, more information is needed before a determination can be made to grant or deny your petition. This information is necessary to demonstrate that the procedures for a case-by-case extension to an effective date have been met, as specified in § 268.5 of the November 7, 1986 final rule.

The applicant is required under § 268.5(a)(1) to make a good-faith effort to locate and contract with treatment, recovery, or disposal facilities to manage his waste. Your petition indicates that you are aware of alternative capacity for your waste. More specific information is needed, however, to properly evaluate this showing. Please submit the names and addresses of all off-site facilities that have been contacted in an effort to provide alternative capacity for your wastewater.

Paragraph (a)(2) requires a showing that the applicant has entered into a binding contractual commitment to construct or otherwise provide alternative treatment or disposal capacity that meets the treatment standards specified in Subpart D. In your application you include copies of contracts with Jacobs Engineering and Daniel Construction Company; however, the contract with Daniel Construction Company does not include a signature page. We are requesting this information so that we can further process your application.

RO 12978

Paragraph (a)(3) specifies that due to circumstances beyond the applicant's control, alternative capacity cannot reasonably be made available by the effective date. Although your application emphasizes that due to technical and practical difficulties alternative capacity will not be available for your waste by the July 8, 1987, effective date, it is unclear why the project to provide alternative capacity or to provide a means of transporting these wastes off-site for treatment was not initiated at an earlier date (the regulated community has been on notice since December 11, 1986). We are requesting that you provide an explanation or data indicating why such measures were not initiated in a more timely fashion.

Your application indicates that there are interim measures that could be implemented in the event that EPA fails to respond to your request for a case-by-case extension in a timely fashion. It is necessary for EPA to evaluate these interim measures to determine that a case-by-case extension and continued use of the existing Regenerant Neutralization Basin (RNB) is a viable option in light of existing alternatives. Please submit a technical description of the interim measures and, if necessary, a complete explanation of why these interim measures are not reasonably available as a source of alternative capacity.

Paragraph (a)(7) specifies that any waste managed in a surface impoundment or landfill during the extension period may be disposed of at a facility only if each new landfill or surface impoundment unit, each replacement of an existing landfill or surface impoundment unit, and each lateral expansion of an existing landfill or surface impoundment unit at the facility is in compliance with the minimum technological requirements of Part 265, Subpart F and § 265.301(a), (c), and (d) for interim status facilities. This requirement applies not only to the RNB, but also to any such units at your facility. Your application states that "[t]here will be no new surface impoundment installed, no replacement in kind of the existing unit, nor will there be any lateral expansion of the existing unit during the extension." To determine if the facility itself is presently in compliance with the minimum technological requirements for interim status facilities, we are requesting that you submit data indicating the current status of all other units at the facility with respect to this requirement.

We are making every effort to respond to your request for an extension of the effective date as quickly as possible. The case-by-case extension of the effective date is a rulemaking procedure; although this process takes time, we will continue to work with you to arrive at a suitable solution to your problem. However, to expedite this effort, please submit your response to the following address:

Rhonda Craig  
U.S. Environmental Protection Agency  
Mail Code: WH-562B  
401 M Street, SW  
Washington, D.C. 20460

Should you have any questions regarding this request, please call Rhonda Craig at (202) 382-4800.

Sincerely,

Marcia Williams  
Director  
Office of Solid Waste