

9433.1986(08)

STATE PESTICIDE PERSONNEL - DEREGULATING CONTAMINATED WATER

MAR 24, 1986

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

Mr. Samuel Mostkoff
Legal Counsel
Monroe Auto Equipment
International Drive
Monroe, Michigan 48161

Dear Mr. Mostkoff:

This is in response to your letter dated February 21, 1986, formally requesting the Agency's reconsideration of, and a rehearing on, its decision to deny, in part, Monroe's delisting petition No. 0020. Monroe also requested the Agency to stay the effective date of the final decision to deny the petition for the waste contained in Monroe's lagoon.

Monroe raises three issues as the bases for its request for reconsideration. These include: (1) Monroe's lack of an opportunity to comment on the final VHS model; (2) the Agency's evaluation of Monroe's waste using a total chromium regulatory standard rather than a standard based on the waste's hexavalent chromium content; and (3) the use of the present drinking water standard for chromium rather than the use of the proposed recommended maximum contaminant level (RMCL) in the evaluation of the petition.

The Agency has evaluated Monroe's request, and has decided that the final decision published on November 27, 1985, denying Monroe's petition for the impounded waste was correct. The Agency believes that the issues raised by Monroe do not warrant a reversal of our decision.

Monroe had an opportunity to comment on the model and its application to Monroe's waste during the comment period. The final version of the VHS model and its application to Monroe's waste consider the same elements as the proposal on which Monroe commented. The change in the VHS formula, an alteration in the vertical dispersion term, was made in response to comments, and did not alter the Agency's basic approach. Monroe has an opportunity to comment on this aspect of the proposed model.

Monroe, reiterating its April, 1985 comments, suggests that separate standards for hexavalent and trivalent chromium are appropriate. A single standard for hexavalent chromium and total chromium is currently warranted. The current maximum contaminant level (MCL) and the EP toxicity test level both refer to total chromium. The Agency has considered revising its standards to refer only to hexavalent chromium but has not done so, and is concerned that trivalent chromium may be converted to hexavalent chromium in the environment. The Agency continues to believe that total chromium is an appropriate factor to consider in its evaluation of delisting petitions.

The Agency is using the current MCL (50 ppb) set for drinking water as the health-based standard for delisting. As noted in the November 27, 1985 Federal Register, an increase has been proposed for the recommended maximum contaminant level to 120 ppb. As this new level is only proposed, and comments on this proposal are still being evaluated, the Agency intends to use the current MCL (to grant or deny petitions) until a new RMCL or MCL can be set.

Finally, the Ambient Water Quality Criteria (AWQC), referred to in your letter, are standards applying to waters of the United States, which are primarily surface waters. We have decided to use MCLs in the VHS model, which considers the potential for contamination of ground water. AWQC will only be used when no MCL or no other regulatory standard is available. The AWQC would be used in that situation, until an MCL was developed.

If you have any further questions regarding these issues please contact Mr. Steven Hirsch in our Office of General Counsel at (202) 382-7703.

Sincerely,

Original Document signed

Marcia Williams

cc: Jeffrey K. Sherwood