

PPC 9444.1980(02)

REFINERY WASTEWATER

NOV 13 1980

Mr. John D. R. Wright
Independent Valley Energy
Company
1100 Milam Building
Suite 3765
Houston, Texas 77002

Dear Mr. Wright:

This is in response to Mr. Finis E. Carleton's letter to me dated October 28, 1980 (copy attached). In his letter Mr. Carleton asks for verification of his interpretation of our RCRA Hazardous Waste Management Regulations with respect to wastes that will be generated by a refinery your firm intends to build in Bakersfield, California. Based on the facts presented in his letter, I conclude that Mr. Carleton has reached correct interpretations of our regulations.

It appears that the refinery wastewater to be treated is not a hazardous waste because it is not listed in §§261.31 or 261.32 of the regulations, does not contain (by mixture) any of the hazardous wastes listed in §§261.31 or 261.32, or does not exhibit any of the hazardous waste characteristics identified in Subpart C of Part 261 of the regulations. As such, this wastewater would not be subject to our regulations and it would not be necessary to submit a Part A application on November 19, 1980, or obtain interim status in accordance with §122.23. I would hasten to point out, however, that if any of the three hazardous wastes to be generated by the refinery (K048, K049 and K051) are discharged into and mixed with the refinery wastewater, they will cause the wastewater to be a hazardous waste--in accordance with the mixture rule of §261.3(a)(2)(ii)--and, thereby, subject to our RCRA regulations.

It appears that one of the hazardous wastes to be generated by your refinery--namely skimmings from the air floatation unit (K043)--will be recycled to the coker after accumulation or storage in the slop oil tank. Although the recycling of this waste is not now subject to our regulations (see §261.6(a)), the storage of this waste

on the slop oil tank is now subject to our regulations because it is storage of a listed hazardous waste (see §261.6(b)). As the regulations are now written, the slop oil tank would have to be permitted or have

I hope that I have been helpful in this response. I regret that our regulations are so complicated but believe that this complexity is caused by the complexity of the problem being regulated. If I can be of any further assistance, please call or, preferably, contact:

Arnold Den
Chief, Hazardous Materials Branch
215 Fremont Street
San Francisco, California 94105
(415) 556-4606

Sincerely,

Gary M. Dietrich
Associate Deputy Assistance Administrator
for Solid Waste

Enclosure

cc: Finis E. Carleton