

Mr. Vic Hummert  
122 Rosedale Drive  
Lafayette, Louisiana 70508

Dear Mr. Hummert:

Thank you for your letter of August 4, 2001 to Administrator Whitman regarding the GTX hazardous waste combustion facility located in Amelia, Louisiana.

Given the complex regulatory and judicial history surrounding the GTX facility and its predecessor, Marine Shale, I understand your concerns regarding the safety and well-being of the surrounding community. As you are aware, companies must obtain a Resource Conservation and Recovery Act (RCRA) permit prior to operating a hazardous waste combustion facility. The conditions and limits included in the permit are intended to ensure that the facility operates in a manner that is protective and complies with all applicable state and federal regulations. Louisiana has been authorized to implement the federal RCRA program, including the issuance of RCRA hazardous waste combustion permits, in lieu of the United States Environmental Protection Agency (EPA). Thus, while we provide technical support and expertise to the state, the Louisiana Department of Environmental Quality (LDEQ) has the primary responsibility to ensure that each RCRA permit is protective and meets all necessary requirements.

It is our understanding that LDEQ issued a RCRA permit to GTX, Inc. in February 1999. This permit was rescinded by the Nineteenth Judicial District Court for the Parish of East Baton Rouge on October 4, 1999. The decision made by the District Court was later overturned by the Louisiana First Circuit Court of Appeals and the Louisiana State Supreme Court has declined to hear further appeals regarding this case. While we cannot speak to the appropriateness of the state courts' judicial determinations, we understand that you remain concerned about the future operation of the GTX facility.

It may be helpful for you to know that both our Region VI office and the LDEQ have taken certain measures to add to the protectiveness of the RCRA permit for this facility. First, we understand that GTX has agreed to significantly modify and upgrade its existing combustion equipment. Second, Region VI conducted a pre-trial burn risk assessment from which the current permit conditions and operating limits were derived. While this assessment did contain a degree of uncertainty, it was based on conservative assumptions and was useful for developing

the appropriate permit conditions for start-up, shakedown and emissions testing of the combustion unit. Third, LDEQ included specific conditions in the permit which limit GTX from burning hazardous waste beyond 60 days prior to emissions testing and limit the facility from operating at greater than 75% capacity after the emissions testing has been conducted. Fourth, both Region VI and LDEQ are committed to performing a post-trial burn risk assessment to evaluate risks associated with actual facility operations. Fifth, LDEQ included a modification provision in the permit to strengthen the current conditions and limitations if the post-trial burn risk assessment indicates this is necessary to protect human health and the environment.

I hope that the above information is useful to you. Thank you for sharing your concerns with us. The continued protection of our environment is strengthened by the efforts of individuals like yourself.

Sincerely yours,

Michael H. Shapiro  
Acting Assistant Administrator