

File: LCVCM
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VISTA

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Communication

TO: Distribution
FROM: W. L. McClain
DATE: August 7, 1990
SUBJECT: 1988 LCVCM GROUNDWATER RECOVERY REGULATORY STATUS

The purpose of this memorandum is to describe the regulatory status of the current LCVCM groundwater recovery and treatment process under the Louisiana Hazardous Waste Regulations ("LHWR"). This issue was first presented when the LCVCM received a Corrective Action Order dated March 31, 1986 directing the initiation of groundwater recovery operations. Following several meetings and a lengthy exchange of correspondence, the DEQ finally issued a regulatory ruling which would allow the groundwater to be handled at the LCVCM without requiring the ASU treatment system to be a regulated hazardous waste facility.

The February 23, 1988 letter from DEQ (attached hereto) provided the following regulatory interpretation:

"The LDEQ is not aware of any reason to refute Vista's representation that the steam stripper unit is part of the manufacturing process. Recovered ground water returned to the manufacturing process via introduction into the steam stripper would not compromise the exclusion for wastewater provided in Section 24.3(d) in the Louisiana Hazardous Waste Regulations."

The cited LHWR provision is currently contained in LAC 33:V. 4905(a)(4) which provides in pertinent part the following:

"A. The following mixtures of solid wastes and hazardous wastes listed in LAC 33:V.4901 are not hazardous wastes (except by application of LAC 33:V.4309) if the generator can demonstrate that the mixture consists of wastewater the discharge of which is subject to regulation under either Section 402 or Section 307(b) of the Clean Water Act (including wastewater at facilities which have eliminated the discharge of wastewater) and:...

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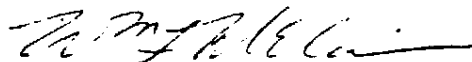
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4. A discarded commercial chemical product, or commercial intermediate listed in LAC 33:V.4901.D and E arising from de minimis losses of these materials from manufacturing operations in which these materials are used as raw materials or are produced in the manufacturing process....."

The exception noted in paragraph A concerning Section 4903 is a reference to wastes which are hazardous due to exhibiting a characteristic. Thus, as interpreted by DEQ in 1988, under the Section 4905 exclusion the stripper bottoms at the LCVCM are not hazardous wastes until and unless they exhibit a characteristic, and the recovered groundwater contained therein is exempt from being classified as a hazardous waste under the de minimis losses exclusion for wastewaters.

Given the upcoming change in circumstances arising from the proposed expanded groundwater recovery project and from the toxicity characteristic applicability to the stripper bottoms after September 25, 1990, it would seem prudent that we approach DEQ and obtain a reaffirmation of their 1988 interpretation. Such a reaffirmation would resolve the potential threat of the groundwater being interpreted to be classified as a listed hazardous waste.

If you have any questions or comments concerning this matter please contact me.



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