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ETHYL CORPORATION

LAW DEPARTMENT

ETHYL TOWER
451 FLORIDA
BATON ROUGE, LA. 70801

April 12, 1985

FEDERAL EXPRESS

Dan Hopkins
On Scene Coordinator
U. S. EPA, Region 5
230 South Dearborn St.
Chicago, IL 60604

Dear Mr. Hopkins:

As you know, EPA amended its hazardous waste rules by listing certain wastes containing particular chlorinated dioxins, dibenzofurons and phenols on January 14, 1985 (50 Fed. Reg. 1978-2006). Notification under section 3010 of the Solid Waste Disposal Act as amended, 42 U.S.C. §6930, is required no later than April 15, 1985.

How these new rules apply to the Sauget plant, if at all, is not clear.

As you know, Agent Orange manufacturing operations were discontinued by Monsanto Co. at this plant prior to the creation of Edwin Cooper, Inc. in 1971 and prior to Ethyl Corp.'s purchase of Edwin Cooper, Inc. (now named Ethyl Petroleum Additives, Inc.) and the Sauget plant in 1975. Testing in 1983 and 1984 found residual levels in the ppb range of 2378 TCDD in soil in areas of the plant. However, no 2378 TCDD is currently being produced as a result of Edwin Cooper, Inc.'s activity. All 2378 TCDD was generated by Monsanto prior to 1971.

Because there is no ongoing activity that generates 2378 TCDD or other compounds covered by the rule amendments, it is our interpretation that no F020 through F028 wastes are being generated and that no notification is required.

Similarly, because there is no current production of materials listed in 40 C.F.R. §261.33 as hazardous waste number F027, notification is not required.

There is no remaining production equipment (i.e., reactor vessels, distillation columns, filtration equipment, etc.) from production or manufacturing use of tri- and tetrachlorophenols. Tracing the fate of this production equipment is a task in the EPA CERCLA §106 order in this matter. In any event, the scrapped production equipment is excluded from the amended hazardous waste rules at p. 1983 of the January 14, 1985 Federal Register.

The soil contaminated by past activities is, as indicated at p. 1994 of the January 14, 1985 Federal Register, to be dealt with in accordance with the Dioxin Strategy and in accordance with the remediation and enforcement measures under CERCLA. Indeed the amended CERCLA §106 order issued by the Regional Administrator on February 13, 1985, confirms that the relevant regulatory approach for contaminated soil is CERCLA and not the January 14, 1985 RCRA rules.

As a part of the implementation of the CERCLA §106 order, there are two identifiable and segregable accumulations of 2378 TCDD contaminated materials: (1) the accumulated wash water in tank T-308, and (2) the accumulated protective equipment. Since we have previously received authority to dispose of the wash water under part 775, we intend to dispose of that water in accordance with the part 775 approval before part 775 is revoked effective July 15, 1985. In any event, since these wastes were generated in accordance with the CERCLA §106 order, the RCRA rules do not apply.

Since you have been informed of the above activities in the past, we feel that, even if §3010 notification is required, sufficient notice has been given to EPA. If requested, we can provide the formal notification required by §3010.

Respectfully yours,

ETHYL CORPORATION

By: David C. Bach
Assistant Counsel
(504) 388-7058

DCB:ms
cc: S. A. McWilliams, Ethyl Petroleum Additives, Inc.
D. E. Park, Ethyl Corporation
J. W. Parson, Ethyl Corporation
J. L. Sparks, Ethyl Petroleum Additives, Inc.
Michael B. Cook, EPA Washington, Dioxin Management Coordinator
EPA Region V, Waste Management Division