16 de junio de 1981

Hon. José G. Tormos Vega
Alcalde
Municipio de Ponce
Ponce, Puerto Rico

Estimado señor Tormos Vega:

La Junta de Calidad Ambiental acusa recibo de la Solicitud para Operar una Facilidad Existente radicada por el Sr. José G. Tormos Vega, Alcalde, Municipio de Ponce, Puerto Rico bajo la Regla 903 del Reglamento para el Control de los Desperdicios Sólidos Peligrosos y No Peligrosos.

Habiendo cumplido con la Regla 903 del Reglamento para el Control de Desperdicios Peligrosos y No Peligrosos, se reconoce que la facilidad del Vertedero Municipal de Ponce, Puerto Rico, puede operar como facilidad existente con status interino hasta tanto la Junta de Calidad Ambiental actue sobre la solicitud de permiso. Para que esta condición de facilidad existente con status interino sea operante, la facilidad deberá cumplir con todas las disposiciones sustantivas del Reglamento o de lo contrario, deberá entrar en un plan de cumplimiento aprobado por la Junta de Calidad Ambiental.

Esta comunicación reconoce condición de facilidad existente con status interino para fines de operación bajo la reglamentación local única y exclusivamente. La facilidad deberá cumplir con la reglamentación federal aplicable.

Santos Lohena, Jr.
Miembro Asociado

Carl Axel P. Soderberg
Miembro Alterno

Pedro J. Gelabert
Presidente

28 de marzo de 1980

Sr. José Calder
Director of Manufacturing
SK [illegible] Lab. Co.
A Smithkline Company
P.O. Box 687
Guayama, Puerto Rico

Estimado señor Calder:

Hacemos referencia a su solicitud de fecha 27 de marzo de 1980, para la disposición de cienos de la planta de tratamiento de la SK [illegible], en un estanque construído en el Vertedero de Ponce.

Sobre el particular, queremos indicarle que esta Junta endosa favorablemente la disposición de estos cienos, sin que [illegible] cuando se lleve a cabo siguiendo las medidas y procedimientos mencionados en su carta, además de enviar información sobre las especificaciones detalladas correspondientes a los temas 1, 2, 4, 6, 7 y al diseño y ubicación de pozo de monitoría.

Sin otro particular a que referirnos, quedamos

Cordialmente,

Jaime L. Ortiz Otero
Director
Área Contaminación de Terrenos

AM/sec

Commonwealth of Puerto Rico
Department of Justice
San Juan, Puerto Rico

Héctor Reichard de Cardona
ATTORNEY GENERAL

July 30, 1982

Ms. Jacqueline E. Schafer
Regional Administrator
U.S. Environmental Protection Agency
Region II-26 Federal Plaza
New York, N.Y. 10278

Dear Ms. Schafer:

According to our records the Ponce Municipal Landfill started operations prior to the creation of the Puerto Rico Environmental Quality Board. Law No. 9, June 18, 1970, as amended, created the Board on Environmental Quality with legal powers to adopt regulations for the control of wastes. What is more, on June 1980 the Board gave the mayor of Ponce, Hon. José G. Tormos Vega an award for the exceptional performance in the operation of the Ponce Municipal Landfill.

On November 19, 1980 the Ponce Municipal Landfill applied to E.P.A. for designation as a Hazardous Waste "existing facility" by submitting a Part A permit application pursuant to Section 3005 of the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et. seq.; the application filed for interim status for operation pursuant to said section 3005.

On May 5, 1980 the mayor of Ponce filed a permit request under Rule 903 of the "Regulation for the Control of Hazardous and Non-Hazardous Wastes" for the operation of an "existing facility" which included a copy of Part A application filed with E.P.A. as requested by Section B of said rule.

On June 16, 1981, the Environmental Quality Board issued a permit to the mayor of Ponce for the entire Municipal Landfill as requested in the submitted copy fo the federal Part A application. Finaly, on March 18, 1982 the mayor of Ponce filed officially the compliance schedule required in Rule 908 of the "Regulations for the Control of Hazardous and Non-Hazardous Wastes".

Prior to the enactment of the Environmental Quality Board's hazardous waste regulations on November 13, 1980 the Ponce Municipal Landfill could legally receive both hazardous and non-hazardous wastes since there was an absence of specific regulations applicable to hazardous waste and the term solid waste in Law No. 9 applies to both hazardous and non-hazardous wastes. In the opinion of the Secretary of Justice dated June 10, 1981 in page 7 it states:

> "Considered the context of Act No. 9 as a broad but carefully controlled delegation of authority, in my opinion, its scope was intended to be sufficient to reach "hazardous solid wastes" and those persons engaged in the "Generation, transportation, storage, treatment, or disposal" of such wastes.
>
> Act No. 9 does, despite the numerous references to "solid waste", authorizes regulatory control over "hazardous" waste, solid or liquid. This authorization is based primarily in a broad reading of the act as a whole, but also in the specific reading of Sections 11 (11) and 11 (15) (12 L.P.R.A. Section 1131 (14), (15), supra.
>
> It seems pertinent to note that the "Regulation for the Control of Hazardous and Non-Hazardous Solid Wastes", represents the Board's increased awareness of the environmental problem posed by improper hazardous waste disposal, and in my opinion, it is within the range of developments envisioned by the Commonwealth Legislature when it enacted Act. No. 9."

Therefore from November 13, 1980 to the present the entire Ponce Landfill has received Hazardous and Non-Hazardous Wastes in compliance with applicable rules 903 and 908 of the Regulations for the Control of Hazardous and Non-hazardous Wastes."

Based upon the foregoing legal provisions and facts it is my opinion that definitely the entire Ponce Municipal Landfill has operated with all pertinent permits and therefore, all wastes received, hazardous and non-hazardous were received legally both before and after November 13, 1980.

Cordially,

Héctor Reichard de Cardona
Attorney General

ENVIRONMENTAL QUALITY BOARD (EQB)

June 16, 1981

Honorable José G. Tormos Vega
Mayor
Ponce Municipality
Ponce, Puerto Rico

Dear Mr. Tormos Vega:

The Environmental Quality Board (EQB) acknowledge receipt of the application to operate an existing facility, filed by Mr. José G. Tormos Vega, Mayor, Ponce Municipality, Puerto Rico, under the Rule 903 of the "Hazardous and Non-Hazardous Solid Waste Control Regulation".

Having complied with the Rule 903 of this Regulation, the landfill operation of Municipality of Ponce can operate as an "existing facility" with interim status until the EQB takes action on the permit application. To make operant this condition of existing facility under interim status, the facility mustcomply all designated dispositions of this Regulation; if not, it must enter in a compliance plan approved by the EQB.

This communication recognize the condition to operate like an "existing facility" with interim status, only an exclusively, under the local regulation. The facility should comply the applicable federal regulation.

Santos Rohena, Jr.
Associate Member

Carl Axel P. Soderberg
Alternate Member

Pedro A. Gelabert
President

TRANSLATION

Office of the Governor
La Fortaleza
San Juan, Puerto Rico 00901

July 30, 1982

Ms. Jacqueline Schafer
Regional Administrator
U.S. Environmental Protection Agency
Region II, 26 Federal Plaza
New York, New York 10278

Dear Ms. Schafer:

As Governor of Puerto Rico I would like to communicate to you my policy of ensuring that adequate facilities for the proper management, transportation, storage, and disposal of hazardous and toxic wastes are available. As part of our effort to strengthen the economy of Puerto Rico and to improve the quality of life we embarked upon a long-range program of industrialization. It is part of our public policy to ensure that the facilities industry needs to handle their wastes safely and in compliance with both Federal and Puerto Rico Government Regulation are available.

One of the steps taken to implement this policy was our submission of an official application to EPA for Interim Phase I Authorization for a Hazardous Waste Control Program in Puerto Rico. Another important development has been the recent announcements by EPA of the issuance of regulations covering standards for land disposal facilities, recycling wastes, liquids in landfills, incinerators, and others under the Resource Conservation and Recovery Act. The task before us is now harmonizing federal and local regulations to provide adequate support for industry.

One specific matter that was brought to my attention recently was the effort by the Municipality of Ponce to register its sanitary landfill as an "existing facility" for industrial and toxic wastes under the provisions of the Resource Conservation and Recovery Act. Enclosed is a certification from the Puerto Rico Environmental Quality Board that the Ponce Sanitary Landfill was authorized to receive hazardous wastes prior to November 19, 1980; thus

it qualifies under the provisions of RCRA. It is our feeling that this facility is needed by industry in Puerto Rico immediately. For this reason, I would like you to review the request and approve the Ponce Landfill as an existing facility.

Since the siting of hazardous waste facilities is difficult in Puerto Rico, I signed an Executive Order on February 26, 1982, creating an Interagency Task Force to establish public policy to be utilized in selecting future areas. The criteria developed by this group will be used by the Puerto Rico Planning Board in its review of application for future industrial waste sites in Puerto Rico.

Cordially,

Carlos Romero-Barceló
Governor

Enclosures: 5

COMMONWEALTH OF PUERTO RICO / OFFICE OF THE GOVERNOR

Environmental Quality Board

CERTIFICATION

The Environmental Quality Board hereby Certifies that the Ponce Sanitary Landfill was authorized to received hazardous wastes before November 19, 1980.

On March 28, 1980 the Environmental Quality Board granted SK&F Laboratories a permit to disposed of hazardous wastes on a pond within the Ponce Sanitary Landfill (see letter from Mr. Jaime Ortiz to Mr. José Caldas), under the previous Regulation for the Control of Solid Wastes.

On June 16, 1981 the Environmental Quality Board granted a hazardous waste interim permit to the Municipality of Ponce until the EQB could act on the final permit (see letter from P.A. Gelabert, C.A.P. Soderberg and S. Rohena, Jr., to Mr. José Tormos-Vega dated June 16, 1981).

Certified on this date of July 28, 1981 at San Juan, Puerto Rico, by Pedro A. Gelabert, Chairman of the Environmental Quality Board.

Pedro A. Gelabert
Chairman

OFFICE OF THE BOARD 204 DEL PARQUE ST CORNER OF PUMARADA MAILING ADDRESS P.O BOX 11488
SANTURCE PUERTO RICO 00910 TELEPHONE 725 5140

Gobierno Municipal de Ponce

Oficina del Alcalde

PONCE, PUERTO RICO

JOSE G. TORMOS VEGA
(JOSELYN)
ALCALDE

August 12, 1982

Ms. Jacqueline Schafer
Administrator Region II
U. S. Environmental Protection
Agency
26 Federal Plaza
New York, New York 10278

Dear Ms. Schafer:

It was a pleasure to meet with you and your staff in your office in New York last July 2nd. regarding the issue of the interim authorization for the Ponce Municipal landfill as an existing facility under the provisions of Section 3005 of the Resource Conservation and Recovery Act (RCRA). At that meeting you expressed interest in knowing what was the position of the Governor of Puerto Rico in this issue in as much as it seemed that Puerto Rico policies had been perceived by your office as erratic or at best confusing, if not outright conflicting in this area. We also discussed the technical issues pertaining to compliance with the requisites of Section 3005 of RCRA.

On the first issue I have requested the Governor of Puerto Rico to express his position in writing on the matter.

On the second issue it is my understanding that the confusion related to the compliance with the requirements of Section 3010 (a), the timely filing of the Part A permit application under Section 3005, and the apparent lack of information regarding the status of the facility as one "in existence on November 19, 1980" have been fully clarified through meetings and written communications and the pertinent factual information rests at present in your files.

The only question remaining is the fact whether the Ponce landfill was or not legally authorized to receive hazardous wastes prior to November 19, 1980. Even though it is the opinion of our legal advisors that our Attorney General has previously issued to USEPA Region II formal opinions with a considerable number of addendums on aspects of this issue which make unnecessary further clarification, I am herewith including the same as Attachment A.

It is my understanding that the above-referenced information completely meets the pertinent RCRA requirements and furnishes you with the information you requested from us in order to recognize the Ponce Municipal Landfill as an existing facility under Section 3005 of RCRA.

It has always puzzled me the considerable resistance to this project consistently exhibited by some of your technical and legal staff while at the same time your field office (Mr. Weems Clevenger and Mr. Carlos O'Neill) have tried to exert concerted pressure on the local authorities, Fomento, and the Governor in various forums, including the press (see Attachment B) to get the problem of the hazardous waste disposal appropriately solved by the same. I sincerely hope that in the future better lines of communication can be established with your office to prevent the total confusion regarding the technical, factual and policy considerations regarding cases such as the one at hand.

I look forward to a continued close collaboration with your office in any other environmental issues that may come up in the future between Region II and the Municipality of Ponce and wish you luck and success in your recent appointment as Regional Administrator.

Sincerely yours,

José G. Tormos-Vega
Mayor of Ponce

Attachments

cc: Governor Carlos Romero Barceló
Mr. José R. Madera
Ms. Anne Gorsuch
Héctor Reichard de Cardona, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

Jose Tormos Vega, Mayor
Casa Consistorial
Municipality of Ponce
Ponce, Puerto Rico 00731

Re: Ponce Municipal Dump
NJT000010231

Dear Mayor Tormos Vega:

I have asked Warren Llewellyn, Acting Director, Enforcement Division, U.S. Environmental Protection Agency, Region II, to write to you with respect to the status of the hazardous waste landfill located at the above-referenced facility. As you will see from his letter, we have received communications from both Governor Romero-Barcelo as well as Attorney General Reichard de Cardona. The information provided has enabled EPA to conclude that the landfill meets the definition of an "existing facility" and therefore can continue to operate under interim status.

I hope that this issue has now been resolved to everyone's satisfaction. I enjoyed meeting with you, and look forward to seeing you again.

Sincerely yours,

Jacqueline E. Schafer
Regional Administrator

Enclosure

cc: Pedro Gelabert, President (w/attachment)
Environmental Quality Board

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

Honorable Carlos Romero-Barcelo
Governor of Puerto Rico
San Juan, Puerto Rico 00901

Re: Ponce Municipal Dump
PRT000010231

Dear Governor Romero-Barcelo:

Thank you for your letter of July 30 with respect to the landfill at the Ponce Municipal Dump. I was gratified to read that you have signed an Executive Order creating an Interagency Task Force to establish policy for the siting of hazardous waste facilities. It is only through such judicious planning that we can hope to ensure the proper location of these disposal sites.

With respect to the landfill, I have attached a copy of my letter to Mayor Tormos Vega of Ponce. As you will see, the contribution of your office has enabled us to establish that the landfill is indeed an "existing facility," entitled to continue in operation.

I believe that the matter has now been satisfactorily resolved. If I can be of any further help, please contact me.

Sincerely yours,

Jacqueline E. Schafer
Regional Administrator

Enclosure

cc: Jose Tormos Vega, Mayor
Municipality of Ponce

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION II
26 FEDERAL PLAZA
NEW YORK, NEW YORK 10278

Jose Tormos Vega, Mayor
Casa Consistorial
Municipality of Ponce
Ponce, Puerto Rico 00731

Re: Ponce Municipal Dump
PRT000010231

Dear Mayor Tormos Vega:

In a letter dated June 26, 1982, Michael Bonchonsky, formerly the Acting Director of the Enforcement Division of the U.S. Environmental Protection Agency in Region II, set out the several criteria which had to be met for the landfill located at the above-referenced facility to achieve interim status. The two criteria which were of paramount importance were that the Dump was receiving hazardous waste prior to November 19, 1980, and that it was authorized to do so. In addition, Jacqueline Schafer, the Regional Administrator, requested in a meeting that you elicit from the Office of the Governor of Puerto Rico a clear indication that the Commonwealth supported the location of a hazardous waste facility at the Ponce site.

We have subsequently received two separate letters from, respectively, Governor Carlos Romero-Barcelo and Attorney General Hector Reichard de Cardona. In the letter from Governor Romero-Barcelo, the following relevant points were made:

1. The Governor requested the "approval" of the siting of a hazardous waste facility at the location of the Ponce Dump.

2. As set forth in a letter from Pedro Gelabert, President of the Environmental Quality Board, the Ponce facility was receiving hazardous waste prior to November 19, 1980.

The letter from Attorney General Reichard de Cardona stated, in pertinent part, that any hazardous waste disposed of at the Ponce Municipal Dump both before and after November 13, 1980 (sic) was legally received.

The information provided by the Governor and the Attorney General forms a sufficient basis for EPA to determine that the Ponce facility meets the definition of an existing hazardous waste facility. As such, the landfill located at the Ponce Municipal Dump has achieved interim status. Note that the facility must be operated in accordance with the requirements of 40 CFR Part 265.

Please be advised that the fact that the landfill has achieved interim status has absolutely no effect on the outstanding enforcement action for previous regulatory violations. I strongly encourage you to have a member of your staff call Bruce R. Adler at (212) 264-9898 to resolve this matter.

Sincerely yours,

Warren H. Llewellyn
Acting Director
Enforcement Division

Gobierno Municipal de Ponce

Oficina del Alcalde

PONCE, PUERTO RICO

'MOS VEGA

ALDE

August 31, 1982

Warren Lewellyn, Esq.
Acting General Counsel - Region II
U. S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Dear Mr. Lewellyn:

We are in receipt of your recent communication concerning the recognition by USEPA Region II of the Ponce Municipal Landfill as an existing hazardous waste facility under the provisions of Section 3005 of the Resource Conservation and Recovery Act. This action will allow us to proceed immediately with the much needed upgrading of the facility. To this effect we have requested Cecos International to prepare the same in consultation with the technical staff of Region II. We expect Cecos to take over the management and operation of the site in the very near future. We will keep you advised on this matter.

Concerning the pending complaint order issued by USEPA Region II against Ponce, we have requested the assistance of the Puerto Rico Economic Development Administration to negotiate with you the same on our behalf. They will be in contact with you on this matter in the near future.

Sincerely yours,

José G. Tormos-Vega
Mayor of Ponce

cc: Mr. José R. Madera
Bruce Adler, Esq.
Víctor R. Umpierre, Esq.

Gobierno Municipal de Ponce
Oficina del Alcalde
PONCE, PUERTO RICO

JOSE G. TORMOS VEGA
(JOSELYN)
ALCALDE

August 31, 1982

Ms. Jackeline E. Schafer
Regional Administrator - Region II
U. S. Environmental Protection Agency
26 Federal Plaza
New York, New York 10278

Dear Ms. Schafer:

This is to acknowledge receipt of your recent communication informing us about your decision recognizing the Ponce Municipal Landfill as a hazardous waste existing facility under the provisions of Section 3005 of the Resource Conservation and Recovery Act thus unquestionably allowing the facility to operate lawfully with interim authorization until a RCRA permit is finally issued. Since this action will require the submittal of technical documents and other pertinent information specified in the applicable environmental regulations, I am hereby appointing the firm Cecos International, Inc. to represent the Ponce Municipal Landfill in these procedures.

I also want to bring to your attention the fact that I am at present in the final stages of negotiation with that firm in order to effect in the very near future transfer to them of the management and operation of the facility. Upon finalization of the contractual formalities I will request the appropriate modifications to the pertinent federal documents.

Thanking you in advance for your cooperation and asistance in these matters, I remain

Cordially yours,

José G. Tormos-Vega
Mayor of Ponce

cc: Mr. James La Due, Vice-Pres.
Cecos International, Inc.
Mr. Ernest Regna

2F

CECOS
INTERNATIONAL
2321 Kenmore Avenue
Buffalo, NY 14207
(716) 873-4200

July 31, 1987

Mr. Conrad Simon
Director
Air and Hazardous Waste Management Division
United States Environmental Protection
Agency, Region II
26 Federal Plaza
New York, New York 10278

Re: Municipal Dump of Ponce
EPA I.D. Number: PRD 930594709

Dear Mr. Simon:

In response to your letter of May 17, 1987 to J. Stephen Buchanan, CECOS International, Inc. (CECOS) submits the following information for discussion in detail during the meeting scheduled for Tuesday, August 4. CECOS is submitting this information as it was the operator of the Municipal Dump of Ponce and is subject to the Consent Order regarding the facility.

Substantial remediation and investigative activities have been conducted at the Municipal Dump of Ponce in the past six years. The closure of the Smith Kline and French lagoons was completed in 1983. Investigations of the general landfill area revealed no evidence of the presence of hazardous waste either in the fill or surrounding groundwater. These activities should satisfy the need for closure of the units as required by 40 CFR 265 Subpart G.

Beginning in 1980, the Municipality of Ponce and CECOS had an interest in developing the Municipal Dump of Ponce into a facility capable of receiving materials regulated under RCRA, in addition to the municipal and other nonhazardous wastes the site had received in the past. At that time, two RCRA units existed on the site. The units consisted of two lagoons accepting hazardous waste from Smith, Kline and French (the SK & F lagoons). These units had been identified by the Municipality of Ponce in a Part A RCRA application submitted on November 18, 1980. This Part A application was amended on February 10, 1981 to enumerate the hazardous wastes being accepted into the units. On December 12, 1982, CECOS and the Municipality of Ponce entered into a Management Agreement whereby CECOS would operate the facility. The Part A application was amended again on October 8, 1982 to reflect the name changes associated with the operation of

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the facility by CECOS. To the best of our knowledge, no hazardous waste was deposited at the facility between November 19, 1980 and October 8, 1982. No hazardous waste was accepted from October 8, 1982 to the present.

From 1981 through 1984, CECOS performed extensive field investigations at the site in association with Part B RCRA permitting activities. On May 16, 1983 CECOS entered into a consent agreement with the United States Environmental Protection Agency Region II (USEPA) which among other things included an agreement for closure of the SK & F lagoons and investigation of the general landfill area. The investigation of the landfill area was developed in conjunction with EPA to address unconfirmed allegations that past landfill practices included the intermittent disposal of RCRA regulated materials within the general landfill area.

The following text first summarizes the extensive investigations and data collected to evaluate the potential that RCRA regulated materials had been commingled with municipal and industrial receipts during past landfilling operations and then summarizes the investigation and RCRA closure of the SK & F lagoons. The reader is referred to the May 1984 "Report of Investigations Co-Disposal Area and Closure Activities Associated with SK & F Surface Impoundment Area" provided as an attachment to this letter for specific detailed information.

General Landfill Area

In response to allegations that materials other than nonhazardous wastes were disposed of in the general landfill area, a program of investigation specifically designed to evaluate subsurface conditions in the landfill and to obtain samples of landfilled materials for analysis was developed and then approved by the USEPA. The data from this investigation along with data from six other investigative activities that, while not performed specifically to address the question of landfill contents, yielded results directly applicable to this question, are preserved in the attached document.

The sources of data utilized specifically to characterize the distribution, content and chemical characteristics of landfilled materials are summarized as follows:

- Soil test borings and analytical results performed adjacent to the SK & F lagoons (borings C-16 through C-20);
- Soil test borings and analytical results of the landfill investigation (borings CA-1 through CA-8);
- Soil test borings performed as part of geotechnical investigations (borings C-22 through C-87);
- Site characterization borings C-3 and C-6;

- Soil test boring and analytical results for monitoring Well MW-5;

- Inspection and composite samples, analytical results collected landfill sidewalls during excavation for roadway construction.

- Geophysical results from electromagnetic conductivity, resistivity and seismic refraction surveys performed to evaluate the three dimensional geometry of landfilled materials.

In total, eighty-two soil test borings provided samples for visual characterization of landfilled materials from ground surface to a depth where residual geological material was encountered. These borings provide broad areal coverage of the landfill area as well as closely spaced coverage in selected areas. No soil test boring drilled encountered materials other than that to be expected in a typical municipal landfill e.g. rags, wire, paper, cardboard, scrap lumber, glass, putrescibles, pieces of metal, etc.

Geophysical results are in close agreement with soil test boring data related to the thickness and lateral extent of landfilled materials. No anomalous results were reported which might be indicative of the localized presence of materials unlike those encountered in soil test borings and generally believed to have been landfilled. An anomalous seismic velocity was recorded, but a subsequent soil test boring confirmed the presence of topographic high in geologic material underlying the landfill. A 1936 aerial photograph confirmed the presence of a small hill in this area and long-term employees of the landfill recall partial excavation of this hill to provide more air space for landfilling.

The analytical results obtained for samples of landfilled materials from soil test borings and roadway excavations, representing a broad areal coverage of the landfill area, do not indicate the presence of hazardous waste within the landfill. Hazardous constituents have been detected but are present in concentrations typical for sanitary landfill material where municipal and other nonhazardous wastes have been co-disposed.

To conclude, three different types of data - visual inspection of landfilled materials from eighty-two borings and both sidewalls of an extensive roadway excavation, geophysical results, and analytical results for samples of landfilled material - are supportive of the proposition that the materials disposed of in the landfilled area are typical municipal trash and garbage commingled with other nonhazardous waste materials.

SK & F Lagoon Closure

Closure activities are described in two documents. One is the closure plan prepared by RECRA Research, Inc. and submitted to

the USEPA on June 15, 1983. The other is a report of closure activities, also prepared by RECRA Research, Inc., dated May, 1984. This document is included as Exhibit 2 of the attached report.

Closure consisted of the following:

- Solidification of the sludge materials remaining in the lagoons. Kiln dust was used as the solidifying agent.
- Disposal of the solidified material synthetic liner, and underlying granular fill at a permitted facility in Calcasieu, Louisiana.
- Performance of thirty-two soil test borings within the boundaries of the lagoons once the liner and sludge materials had been removed.
- Collection of two soil samples from a cut face in the hillside north of the lagoon area for determination of background.
- Analysis of soil samples collected for parameters detected in the SK & F sludge waste characterization profile.
- Backing, filling and capping the excavations with native material from the Ponce formation.

Analytical results for the soil samples collected after removal of lagoon materials were all within the range determined from the two background samples except for cyanide and sulfide, which were detected slightly above background values. For cyanide, the background range detected was 0.5 microgram per gram (dry weight) versus a range for soil samples from the lagoon area of 0.81 - 8.844 microgram per gram (dry weight). For sulfide, the background range was 125.0 - 124.0 microgram per gram (dry weight) versus a range of 136.0 - 610.0 microgram per gram (dry weight) for soil samples within the lagoon area.

Groundwater in this portion of the facility occurs hundreds of feet below ground surface and is unsuitable for use as a drinking water supply due to very high dissolved solids content. These conditions, combined with the backfilling and capping of the excavations, result in an appropriate closure of the lagoons given the slightly elevated levels of cyanide and sulfide remaining in soil.

As shown by the information presented above, the hazardous waste disposed of at the SK & F waste lagoons has been removed from the site in accordance with the closure plan and investigations of the general landfill area have not discovered any evidence of hazardous waste disposal in that area.

Accordingly, CECOS requests that the Municipal Dump of Ponce be withdrawn from regulation under RCRA.

Thank you very much for your consideration.

Very truly yours,

Michael P. Lawlor

Michael P. Lawlor
Director
CECOS International, Inc.

ML:cw

cc: John Gorman (w/enclosures)
Hazardous Waste Permits Section
U.S. EPA, Region II
26 Federal Plaza
New York, New York 10278

7104