UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 Ross Avenue
Dallas, Texas 75202-2733

MAR 23 2009

CERTIFIED MAIL: RETURN RECEIPT REQUESTED: 7004 1160 0003 0357 6663

Steven Livesay
Manager, Regulatory Affairs
Ethyl Corporation
P.O. Box 472
Pasadena, TX 77501-0472

Dear Mr. Livesay:

Enclosed is an Information Request (Request) issued to Ethyl Corporation (Ethyl) under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA). The purpose of this Request is to obtain information necessary to determine whether Ethyl's facility in Pasadena, Texas is in compliance with Subtitle C of the RCRA, 42 U.S.C. § 6901 *et seq.*

Please provide the information requested within thirty (30) days of your receipt of this letter. If you have any questions or wish to request an extension, please contact Evan Pearson, Senior Enforcement Counsel, at (214) 665-8074. Thank you for your cooperation in this matter.

Sincerely,

John Blevins
Director
Compliance Assurance and
Enforcement Division

Enclosures

cc: Matthew R. Baker (TCEQ)

ENCLOSURE A

INFORMATION REQUEST

The United States Environmental Protection Agency (EPA) is investigating Ethyl Corporation's (Ethyl) compliance with Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq*. Pursuant to Section 3007 of RCRA, 42 U.S.C. § 6927, you are hereby required to follow the instructions and provide responses to the questions in this Information Request (Request). You are required to submit this information to EPA within thirty (30) calendar days of receipt of this Request. If you anticipate that you will be unable to fully respond to this Request within thirty (30) days, you must submit a sworn affidavit or declaration by a responsible corporate official within twenty (20) calendar days of receipt of this Request specifying what information will be provided within the time specified, describing what efforts have been/are being made to obtain other responsive information, and providing a detailed schedule of when such other responsive information can be provided. Upon receipt and based on such affidavit or declaration, EPA may extend the time in which responsive information must be provided to it. Furthermore, EPA specifically retains the right to obtain additional information beyond what is listed in this letter.

All information submitted in response to this Request must be certified as true, accurate, and complete by an individual with sufficient knowledge and authority to make such representations on behalf of Ethyl. An affidavit making such representations is provided as Enclosure B. A knowing submittal of false information in response to this Request may be actionable under 18 U.S.C. § 1001 and 42 U.S.C. § 6928(d). Failure to fully comply with this Request may subject Ethyl to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

In accordance with Section 3007 of RCRA, 42 U.S.C. § 6927, the records, reports, and/or information requested must be submitted, whether or not you regard part or all of it as a trade secret or confidential. You may, if you desire, assert a business confidentiality claim for all or part of the information submitted in accordance with 40 C.F.R. Part 2. The information qualifying as business confidential material will be disclosed by EPA only to the extent and by the procedures set forth in 40 C.F.R. Part 2, Subpart B. Unless you make a claim at the time that you submit the information, it may be made available to the public by EPA without further notice to you. If you do alert a business confidentiality claim, you must follow the procedures set forth in Section I - Instructions.

All information responsive to this Request should be sent to the following:

Tiffany McCoy
Compliance Enforcement Section (6EN-HE)
RCRA Enforcement Branch
U.S. Environmental Protection Agency
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

I. INSTRUCTIONS

1. The enclosed Affidavit (Enclosure B) must be filled out and submitted along with your responses to this Request.

2. Please provide a separate and complete answer to each and every question and subpart of a question set forth in this Request.

3. Please number each answer with the number of the question to which it corresponds.

4. For each document produced in response to this Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds. Please submit all information for each question in a logically sequenced, bound format.

5. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, you must supplement your response to EPA. Failure to supplement your response within thirty (30) days of discovering such information may subject you to an enforcement action. If at any time after the submission of this response, you discover or believe that any portion of the submitted information is false or misrepresents the truth, you must notify EPA of this fact as soon as possible and provide EPA with a corrected response.

6. If you wish to assert a claim of business confidentiality, you must clearly mark each page of each document included in your claim with a legend such as "trade secret", "proprietary", or "company confidential." If you claim information submitted in response to this Request as confidential, you must also provide a redacted version of the information with all confidential business information deleted. For any document in which you assert a claim of business confidentiality please answer the following questions:

a. What specific portions of the information are alleged to be entitled to confidential treatment? Specify by page, paragraph, and sentence when identifying the information subject to your claim.

b. For what period of time do you request that the information be maintained as confidential, *e.g.*, until a certain date, until the occurrence of a specified event, or permanently? If the occurrence of a specific event will eliminate the need for confidentiality, specify that event. Additionally, explain why the information should be protected for the time period you've specified.

c. What measures have you taken to protect the information claimed as confidential from undesired disclosure? Have you disclosed the information to anyone other than a governmental body or someone who is bound by an agreement not to disclose the information further? If so, why should the information still be considered confidential?

d. Is the information contained in any publicly available material such as the Internet, publicly available databases, promotional publications, annual reports, or articles? Is there any means by which a member of the public could obtain access to the information? Is the information of a kind that you would customarily not release to the public?

e. Has any governmental body made a determination as to the confidentiality of the information? If so, please attach a copy of the determination.

f. For each category of information claimed as confidential, explain with specificity whether disclosure of the information is likely to result in substantial harm to your competitive position. Explain the specific nature of those harmful effects, why they should be viewed as substantial, and the causal relationship between disclosure and such harmful effects. How could your competitors make use of this information to your detriment?

g. Is there any other explanation you deem relevant to EPA's determination of your business confidentiality claim that is not covered in the preceding questions? If so, you may provide such additional explanation.

You must furnish comments to the above questions concurrent with your response to this Request if you have claimed any information as business confidential. *See* 40 C.F.R. § 2.204(e)(2). Pursuant to 40 C.F.R. § 2.205(b)(2), you may request an extension of this deadline. EPA will construe your failure to furnish timely comments as a waiver of your confidentiality claim, consistent with 40 C.F.R. § 2.204(e)(1).

II. DEFINITIONS

The following definitions shall apply to the following words as they appear in this Enclosure.

1. The terms "document" and "documents" shall mean any object that records, stores, or presents information, and includes writings of any kind, formal or informal, whether or not wholly or partially in handwriting, including by way of illustration and not by way of limitation, any invoice, manifest, bill of lading, receipt, endorsement, check, bank draft, canceled check, deposit slip, withdrawal slip, order, correspondence, record book, minutes, memorandum(a) of telephone and other conversations including meetings, agreements and the like, diary, calendar, desk pad, scrapbook, notebook, bulletin, circular, form, pamphlet, statement, journal, postcard, letter, telegram, telex, report, notice, message, analysis, comparison, graph, chart, interoffice or intraoffice communications, photostat or other copy of any documents, microfilm or other film record, any photograph, or sound recording on any type of device, any punch card, disc or disc pack, any tape or other type of memory generally associated with computers and data processing (together with the programming instructions and other written material necessary to use such punch card, disc or disc pack, tape or other type of memory and together with printouts of such punch card, disc or disc pack, tape or other type of memory); and (a) every copy of each document which is not an exact duplicate of a document which is produced; (b) every copy which has any writing, figure or notation, annotation or the like on it; (c) drafts of each document; (d) attachments to or enclosures with any document; and (e) every document referred to in any other document.

2. The term "Ethyl Corporation" or "Ethyl" includes any officer, director, employee, agent, contractor, trustee, partner, successors, assigns, or employee of Ethyl, including any merged, consolidated, or acquired predecessor or parent, subsidiary, division, or affiliate thereof.

3. The term "you" or "yours" refers to Ethyl.

4. The term "Pasadena Chemical Complex" shall mean the property located at 1000 N. South Street - 3000 N. South Street, Pasadena, Texas, which is owned and/or operated by the following entities: Albemarle Corporation, Bigler, L.P., Ethyl Corporation, and MEMC Pasadena, Inc.

5. The term "facility" shall mean Ethyl's property located at 1000 N. South Avenue, Pasadena, Texas 77503.

6. The term "hazardous waste" shall have the same definition as that contained in Section 1004(5) of RCRA, 42 U.S.C. § 6903(5), 40 C.F.R. Part 261, and 30 T.A.C. § 335.1(64).

7. The term "identify" means, with respect to a natural person, to set forth the (a) person's name; (b) present or last known business address and business telephone number; (c) present or last known home address and home telephone number; and (d) present or last known job title, position or business.

8. The terms "and" and "or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed to be outside its scope.

9. Words in the masculine shall be construed in the feminine, and vice versa, and words in the singular shall be construed in the plural, and vice versa, where appropriate in the context of a particular question or questions.

10. The terms "relate to" or "pertain to" (or any form thereof) shall mean constituting, reflecting, representing, supporting, contradicting, referring to, stating, describing, recording, noting, embodying, containing, mentioning, studying, analyzing, discussing, evaluating or relevant to.

11. All terms not defined herein shall have their ordinary meaning, unless such terms are defined in RCRA, 40 C.F.R. Parts 260-280, or the authorized Texas Hazardous Waste Program, in which case such statutory or regulatory definitions shall apply.

III. QUESTIONS

1. Identify each person(s) answering each Question or subpart of each Question.

2. For each and every Question or subpart of each Question contained herein, identify all persons consulted in the preparation of the answer.

3. For each and every Question contained herein, identify all documents consulted, examined, or referred to in the preparation of the answer or that contain information responsive to the Question, and provide true and accurate copies of such documents.

4. State whether Ethyl is the owner and/or operator of the following units at the Pasadena Chemical Complex:

   a. Process Canal;
   b. North and South Sandbeds;
   c. Aeration Basin;
   d. Aeration Lagoon;
   e. East Drainage Basin; and
   f. Stormwater Holdup Pond.

5. Identify all process units, groundwater recovery wells, etc., at your facility that generate wastewater which ultimately is sent to the Process Canal.

6. For each process unit or other item identified in response to Question 5, state whether the unit generates a wastewater(s) which is a characteristic hazardous waste or a listed hazardous waste, and identify the wastewater by name and by EPA hazardous waste code.

7. For each characteristic hazardous waste identified in response to Question 6, state whether it was characterized by knowledge of process or through analytical results. If it was characterized by analytical results, provide a copy of the results and identify the analytical method used.

8. For each hazardous waste identified in response to Question 6, provide the following information:

   a. Whether it is treated prior to discharge into the Process Canal;
   b. Location of treatment unit;
   c. Treatment method;
   d. Purpose of treatment (*e.g.*, remove organics);
   e. Target treatment level;
   f. Frequency of sampling;
   g. Sampling location (*e.g.,* Internal Outfall #101);
   h. Sampling method (*e.g.,* grab sample, compositing, etc. If samples are composited,
      explain the compositing process);
   i. Test method(s) used to analyze sample; and
   j. Analytical results from January 1, 2007 to the present.

9. Describe in detail your wastewater treatment system from start to finish. Also provide a detailed flow diagram of the wastewater treatment plant.

10. Provide a copy of all analytical results from SP-106 from January 1, 2007 to the present. In addition, provide the following information:

    a. Reason for taking samples (*e.g.*, compliance with NPDES permit).
    b. Frequency of sampling;
    c. Sampling method (*e.g.,* grab sample, compositing, etc. If samples are composited, explain the compositing process); and
    d. Test method(s) used to analyze sample.

11. Identify whether there are any input lines after the sampling point identified in Question 10 above where wastewater could enter the sewer lines before the wastewater is discharged to the Process Canal.

12. For each input line identified in response to Question 11, provide the following information:

    a. Whether any wastewater enters the input line;
    b. Whether the wastewater is a hazardous waste (include applicable EPA hazardous waste code);
    c. Location of treatment unit;
    d. Treatment method;
    e. Purpose of treatment (*e.g.*, remove organics);
    f. Target treatment level;
    g. Frequency of sampling;
    h. Sampling location (*e.g.*, Internal Outfall #101);
    i. Sampling method (*e.g.*, grab sample, compositing, etc. If samples are composited, explain the compositing process);
    j. Test method(s) used to analyze sample; and
    k. Analytical results from January 1, 2007 to the present.

13. Provide copies of the following documents:

    a. Latest copy of your Notification of Regulated Waste Activity (EPA Form 8700-12); and
    b. A copy of your initial and all subsequent Notifications for Hazardous or Industrial Waste Management (TCEQ-00002).

14. Provide a copy of any order, permit, or plan relating to groundwater remediation at the site.

15. Does treatment takes place in the Process Canal? If your answer is yes, identify the purpose of the treatment (*e.g.*, remove organics) and the target treatment level.

16. Are samples taken from the Process Canal? If your answer is yes, provide the following information:

    a. Reason for taking samples (*e.g.*, compliance with NPDES permit).
    b. Frequency of sampling;
    c. Sampling method (*e.g.*, grab sample, compositing, etc. If samples are composited, explain the compositing process);
    d. Test method used to analyze sample; and
    e. Analytical results from January 1, 2007 to the present;

17. If a listed hazardous waste which was identified in response to Questions 6 or 12 ultimately entered the Process Canal, please explain why this would not be the storage and/or disposal of hazardous waste in an unpermitted unit.

18. Explain how oils and oily wastewater from the Process Canal are removed, handled, treated, stored or disposed.

19. Have the oils and/or oily wastewater that have been removed from the Process Canal ever been characterized as hazardous waste? If yes, identify the applicable EPA hazardous waste code(s). Also provide a copy of all manifests for the hazardous waste from January 1, 2007 to the present.

20. If your answer to Question 19 is yes, identify the point of generation of the hazardous waste, and explain your answer. If this hazardous waste is not generated in the Process Canal, explain how the hazardous waste entered the Process Canal.

21. If your answer to Question 19 is yes, explain why the hazardous waste would not be stored and/or disposed of in an unpermitted unit.

22. If a listed hazardous waste which was identified in response to Questions 6 or 12 entered the Process Canal and ultimately ended up in the Aeration Basin, please explain why this would not be the storage and/or disposal of hazardous waste in an unpermitted unit.

23. If a listed hazardous waste which was identified in response to Questions 6 or 12 entered the Process Canal and ultimately ended up in the Aeration Lagoon, please explain why this would not be the storage and/or disposal of hazardous waste in an unpermitted unit.

24. Have the North and South Sandbeds ever received any waste from the Process Canal? If your answer is yes, provided the following information:

    a. Describe the types of waste that are sent to the Sandbeds; and
    b. Describe how the wastes are transferred to the Sandbeds.

25. If your answer to Question 24 is yes, provide the following information regarding your sampling and analytical procedures <u>prior</u> to placement of the waste in the Sandbeds:

    a. Frequency of sampling;
    b. Sampling method (*e.g.*, grab sample, compositing, etc. If samples are composited, explain the compositing process);
    c. Test method(s) used to analyze sample; and
    d. Analytical results from January 1, 2007 to the present.

26. Provide the following information regarding the treatment of the waste that is placed in the Sandbeds:

    a. Treatment method;
    b. Purpose of treatment (*e.g.*, remove organics);
    c. Target treatment level;
    d. Frequency of sampling;

e. Sampling method (*e.g.*, grab sample, compositing, etc. If samples are composited, explain the compositing process);
f. Test method(s) used to analyze sample; and
g. Analytical results from January 1, 2007 to the present.

27. Explain what happens to the waste after it is treated or stored in the Sandbeds. If this material is sent offsite, provide a copy of all manifests from January 1, 2007 to the present.

28. If listed hazardous wastes have entered or have been generated in the Process Canal, explain why the placement of wastes from the Process Canal into the Sandbeds would not be the treatment and/or storage of hazardous waste in an unpermitted unit.

29. Provide the following information for the East Drainage Basin:

a. Frequency of sampling;
b. Sampling method (*e.g.*, grab sample, compositing, etc. If samples are composited, explain the compositing process);
c. Test method(s) used to analyze sample; and
d. Analytical results from January 1, 2007 to the present. If the analytical results show that the stormwater met the criteria for a characteristic hazardous waste (*e.g.*, pH greater than 12.5), explain how the stormwater became a characteristic hazardous waste; and
e. Explain where the stormwater goes after it leaves the East Drainage Basin.

30. Provide the following information for the Stormwater Holdup Pond:

a. Frequency of sampling;
b. Sampling method (*e.g.*, grab sample, compositing, etc. If samples are composited, explain the compositing process);
c. Test method(s) used to analyze sample; and
d. Analytical results from January 1, 2007 to the present. If the analytical results show that the stormwater met the criteria for a characteristic hazardous waste (*e.g.*, pH greater than 12.5), explain how the stormwater became a characteristic hazardous waste; and
e. Explain where the stormwater goes after it leaves the Stormwater Holdup Pond.

31. Provide copies of all agreements, contracts, or other documents that Ethyl has with Albemarle Corporation relating to the use of the Process Canal and Albemarle Corporation's wastewater treatment system, and Sandbeds for Ethyl's wastewater. This includes, but is not limited to, criteria for accepting or rejecting wastewater, testing procedures, etc.

ENCLOSURE B

AFFIDAVIT TO RCRA 3007 INFORMATION REQUEST

BEFORE THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6
DALLAS, TEXAS

STATE OF

SS.

COUNTY OF

I, the undersigned affiant, first being duly sworn, upon oath, depose and say:

1. I certify under penalty of law that the answers to the Questions in the Request, and all attachments included in our response were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

2. Attached hereto are _____ pages of photocopies of documents or records. The attached pages are true and correct copies of records which I presently have in my custody and/or control as an owner and/or employee of _____ the address of which is _____

_____.

3. I am one of the custodians of the records of which the attached pages are true and correct copies. Those records have been requested by EPA and are being produced along with this affidavit in response to that Request.

4. The records, of which the attached pages are true copies, were and/or are received and/or kept in the usual course of the regularly conducted business and activity of the entity

listed in paragraph 2 above. The records are relied upon by me and others for the purpose of conducting every-day affairs.

5. I have made a diligent search and inquiry for all records which are reasonably described in the Request to which this affidavit responds. I have not found or located, and I have not been told about, and I have no knowledge of, any records coming within the descriptions set forth in the said Request which have not been copied and submitted along with this affidavit.

6. I acknowledge that this affidavit is submitted to the United States in connection with a matter within the jurisdiction of EPA, and that any material false statement of act herein may be a crime under 18 U.S.C. § 1001 and 42 U.S.C. § 6928(d).

SIGNED: _____ DATE: _____

PRINTED NAME: _____

OFFICE OR TITLE: _____

SWORN AND SUBSCRIBED TO before me, the undersigned Notary Public on this

_____ day of _____, _____.

NOTARY PUBLIC in and for the State of

_____ residing at _____ SEAL

My commission expires _____