April 18. 2019

VIA HAND DELIVERY
Mr. Adam Adams
OSC
U.S. Environmental Protection Agency
1943 Independence Parkway
La Porte, TX 77571

Re: U.S. Environmental Protection Agency Region 6 Federal On-Scene Coordinator Authorization of Discharge issued to Intercontinental Terminals Company LLC (ITC) dated April 17, 2019 ("Discharge Authorization")

Dear Mr. Adams:

ITC acknowledges receipt of the above-referenced Discharge Authorizations and by this letter is requesting confirmation of the following with respect to condition 3 of the Discharge Authorization:

1. The condition refers to the incident wastewater as it was being placed in the wastewater treatment system storage tanks and ignores the pre-incident wastewater present in the tanks before the incident wastewater was added. It is likely that small volumes of products including toluene and xylene were present in that pre-incident wastewater in tank 80-34. The fact that the incident wastewater in tank 80-34 has mixed with pre-incident wastewater will not be considered a violation of condition 3.

2. The incident wastewater came into contact with product that was in Tank 80-5, which contained xylene, also known as mixed xylenes. The safety data sheet for the product indicates that the product is 81-85% xylene by weight. ITC has managed and intends to continue to manage mixed xylenes, when it is an off-spec commercial chemical product and a waste, as a U239 hazardous waste. The U239 waste listing is for ignitability only, therefore wastewater that is not ignitable will not carry the U239 listing. The fact that the incident wastewater in tank 80-34 may have contacted mixed xylenes will not be considered a violation of condition 3.

Please sign below or by a separate written document to confirm EPA's agreement with the above.

Sincerely,

CONFIRMED April __, 2019:

By: _____

Name/Title: _____

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