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MEMORANDUM

TO: PLATEAU REFINERY FILE
FROM: JACK ELLVINGER, ENVIRONMENTAL SCIENTIST;
HAZARDOUS WASTE SECTION
DATE: JULY 2, 1984
RE: POINTS OF VIOLATION AT THE PLATEAU REFINERY

Recommendation:

EID has declared that Plateau Refinery is a TSD facility by their current Part A. EID should pursue enforcement accordingly. Plateau has been free to certify at any point that they have never treated, stored or disposed of hazardous wastes since 1980 and have not done so. Accordingly, Plateau needs to implement a ground-water monitoring system, develop closure and post-closure plans, provide the proper financial assurances and comply with all of the other regulatory requirements for a TSD facility.

Points on which we can definitely enforce:

There are several points under the HWMR-2 Regulations that we can pursue via an NOV to Plateau Refinery.

1. Plateau's personnel training is not in compliance with the regulations. (206.B.6.)
2. Plateau's contingency plan does not contain the required evacuation plan. (206.B.10)
3. Plateau does not have "interim Status" for the storage of hazardous wastes other than in ponds. They currently have drum and tank storage that appears to be in excess of 90 days. They are therefore in violation of their Part A notification; and they are a storage facility. (202.D.)
4. As a storage facility Plateau is required to have closure and post-closure plans, which it does not have. (If Plateau is not a storage facility it is still in violation, but this violation may be corrected by filing a revised Part A). (206.C.2.)
5. There are financial assurances that are required of storage facilities that deal with sudden and non-sudden releases of hazardous wastes that need to be put in place before this facility can be considered to be in compliance. (206.C.3.)

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6. Plateau has failed to characterize their high-sulfide spent caustic waste and include it in their Part A. (206.D.)

Points on which we may be able to enforce:

There are a number of other points under which Plateau may be in violation. In particular, it is possible that their ponds are TSD facilities, in which case they need to have ground-water monitoring.

7. Plateau has interim status at this time for all of their surface impoundments. They would like to close out this interim status and operate as a generator only. While it is not totally clear whether all these impoundments belong in the system, probably the ponds immediately following the API separator, and perhaps all the ponds, store hazardous waste.

Concerning the API separator ponds, there are three main ways these could be retained as hazardous waste storage facilities:

A. THE MIXTURE RULE:

According to the RCRA hotline, addition of a listed hazardous waste to the API influent would make both the API separator sludge and effluent listed hazardous wastes. From the FIT analysis, it appears that spent halogenated solvents were being added to the API influent at the time of sampling. Thus, the effluent is a listed waste which is being stored in the ponds.

We can enforce if: Plateau can not certify that spent solvents never go into the API separator.

B. SECONDARY TREATMENT:

These ponds are acting as a secondary treatment process and may fall under the intent of listing K-048, dissolved air flotation (DAF) float. The background listing document makes clear EPA's original intent to regulate, "in the aggregate", all primary and secondary wastewater treatment sludges from the petroleum refining industry (this premise was not spelled out when the RCRA regulations were developed). The total chromium content of one of Plateau's pond sludges falls at the higher end of the range of values used by EPA to list DAF float. Total chromium and lead content for all the ponds falls well within DAF float values. It should be noted that EPA regional personnel discount this approach.

We can enforce if: we rule the ponds contain K-048. (206.C.1., C.2., C.3., and C.6.)

C. REACTIVE WASTES:

The pond sludges have fairly high sulfide levels. It is necessary to come up

with a defensible concentration limit beyond which sulfide-bearing wastes are hazardous. If the levels which have been detected in the pond sludges are deemed sufficient to declare the sludge a hazardous waste, then the ponds store hazardous waste.

Note that facility personnel indicated that spent caustic containing circa 17,000 ppm sulfide was sometimes piped to the first API separator pond. This may be exempt on a de minimis loss basis.

We can enforce if: the sulfide levels in the ponds are deemed high enough to declare the pond sludges to be hazardous waste.

8. Under the "Preparedness and Prevention" and "Contingency Plan" standards of the HWMR-2, sudden and non-sudden releases of hazardous waste constituents which may effect the public health or the environment are not permitted. Many of the sampling stations reveal releases of hazardous waste constituents, both to surface waters used for agriculture and to groundwater. Some of these samples were taken from off Plateau's property (the ones in Hammond Ditch). The accumulated weight of the many contaminated samples may reinforce this claim. A threat to public health, however, cannot be documented.
We can enforce if: the presence of these contaminants around Plateau is deemed a threat to public health or the environment, and the release of these substances is deemed a violation of the standards mentioned in the first sentence of this item. (206.B.9.)
9. A Plateau employee indicated that the high-sulfide spent caustic was sometimes landfilled. If they do not have any hazardous waste manifests for this material they have conducted illegal disposal.
We can enforce if: Reactive caustic wastes has been landfilled without manifest. (203.A.1.)
10. There is a question of whether the truck terminal is in some way "separate" from the refinery proper. Plateau claims it is. They store F-wastes there, perhaps in quantities greater than 1000 kg, which would put them in violation whether or not that facility was separate.
We can enforce if: F-wastes are accumulated at the truck terminal in quantities greater than 1000 kg. (202.D., 206.C.2., C.3., and C.4.)
11. Plateau may have illegally disposed of hazardous wastes in its landfill. They have disposed of pond sludges there, and if the pond sludges are hazardous wastes, they have certainly illegally disposed of them. Note that some of the heavy metals were found in the landfill at higher concentrations than in the API separator sludge itself. (202.D., 206.B., C.1., C.2., C.3., C.9.)

We can enforce if: the pond sludges are declared hazardous (as per item 6).

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12. A separate issue is whether the landfill "soil" is itself EP-toxic. If so, it is a TSD facility requiring ground-water monitoring, etc. We could take new samples and run this test or request the EPA contract lab to do this, provided sufficient portions of the samples have been preserved.

We can enforce if: the soil is EP-Toxic. 9HWMR-2, Parts II & III)

13. Plateau shipped 1800 unmanifested barrels of what the State of Utah called hazardous waste, in 1983. Plateau has never been prosecuted for this shipment. It might be difficult to prove that it was hazardous waste, however, and Plateau was attempting to recycle this waste.

We can enforce if: we can show that the shipment was indeed hazardous waste. (203.A.1.)