United States Environmental Protection Agency
Solid Waste and Emergency Response (5305W)
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Office of Solid Waste

EPA

Environmental Fact Sheet

LAND DISPOSAL RESTRICTION (LDR) TREATABILITY VARIANCE APPROVED FOR CITGO PETROLEUM REFINERY

Action

The Environmental Protection Agency (EPA) approved a site-specific treatability variance from the LDR treatment standards for FO37 and FO38 nonwastewaters that are removed from a 26-acre surface impoundment (surge pond) located at the CITGO Corporation petroleum refinery outside Lake Charles, Louisiana. This variance is specific to the FO37 and FO38 sludge removed during remediation of the CITGO Surge Pond. It does not apply to any other wastes. CITGO must comply with certain alternative treatment standards.

This is the first time that the Agency has approved a site-specific treatability variance based on consideration of the "net environmental detriment" of delaying cleanup while the debate over advanced technologies takes place. EPA believes this commonsense approach will provide the greatest environmental protection by allowing CITGO to remove a huge quantity of raw waste from an unlined surface impoundment, to substantially treat the waste, and to dispose of it in a Subtitle C hazardous waste landfill. The Agency found that the treatment standards which apply to the FO37 and FO38 nonwastewaters are not appropriate because their use would likely impede or prevent remediation of the Surge Pond sludge.

Before hazardous waste can be disposed of on land, Section 3004(m) of the Resource Conservation and Recovery Act requires EPA to establish levels or methods of treatment, if any, that reduce the toxicity of the waste and/or reduce the likelihood that hazardous constituents will migrate from the waste. Historically, EPA has implemented this requirement by developing technology-based treatment standards even though other approaches are permissible. Recognizing that some wastes cannot, or should not, be treated to the levels specified in the standards, the Agency established treatability variance procedures that allow alternative treatments on a case-by-case basis (see 40 CFR 268.44).

More Information

The *Federal Register* (*FR*) notice and this fact sheet are available on the Internet System through the EPA Public Access Server at gopher.epa.gov. For additional information or to order paper copies of the FR notice, contact the RCRA Hotline. Callers within the Washington Metropolitan Area must dial 703-412-9810 or TDD

703-412-3323 (hearing impaired). Long-distance callers may call 1-800-424-9346 or TDD 1-800-553-7672. The RCRA Hotline is open Monday-Friday, 9:00 a.m. to 6:00 p.m., Eastern Standard Time.

Copies of documents applicable to this rule may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (5303W), 401 M Street SW, Washington, D.C. 20460.