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ELEMENTARY NEUTRALIZATION EXEMPTION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 29 1988

Mr. Bruce P. McLeod, P.E.
Senior Specialist
Environmental Control
Monsanto Chemical Company
P.O. Box 12830
Pensacola, FL 32575

Dear Mr. McLeod:

The purpose of this letter is to reply to your letter of July 24, 1987, to Bob Dellinger, requesting an interpretation regarding application of the elementary neutralization exemption to Monsanto's Pensacola plant. First, please accept my sincere apology for the delayed response to your letter. As previously mentioned, your letter involves difficult issues regarding the scope of the elementary neutralization unit exemption, and was further delayed by our inadvertent loss of your original letter.

I would like to address your concerns in the same order as discussed in your letter. You first questioned whether the Pensacola plant sumps are indeed sumps since the waste is not ultimately transported to a RCRA storage, treatment, or disposal facility as specified in the definition of sumps in 40 CFR 260.10.

Since the various wastes with differing pH values, that meet the definition of hazardous waste only due to corrosivity, are introduced at various points upstream to a system of sumps and piping, the collection and treatment of such wastes seemingly occur more or less concurrently. Accordingly, such sump(s) and associated ancillary equipment (e.g., piping, pumps) would indeed be considered a hazardous waste sump and be subject to the standards for hazardous waste storage/treatment tank systems.

Your second question requested clarification of whether the Pensacola plant wastewater collection system would qualify as a elementary neutralization and/or totally enclosed treatment

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facility, thus qualifying for those respective exemptions.

Based on your description of this particular operation we believe that the totally enclosed treatment facility exemption would be unlikely to apply. We believe the sumps and their associated ancillary equipment would qualify for the elementary neutralization exemption under the Federal regulations because the sump and its ancillary equipment meet the criteria defining an elementary neutralization unit in 40 CFR 260.10 since it is used to neutralize hazardous wastes only exhibiting the corrosivity characteristic and it meets the definition of tank system. Thus, the elementary neutralization exemption, is allowed in 40 CFR 264.1(g)(6) and 265.1(c)(10), would seem to apply to this Pensacola plant wastewater system insofar as the neutralization sump and ancillary equipment are located within the boundaries of this facility.

Since the ultimate decision for determining the regulatory status of a specific unit at your facility is the responsibility of the State of Florida, please contact them at the address/telephone number indicated below. If necessary, please feel free to refer them to me.

Again, please accept my apology for not sooner addressing your letter. If you have any further questions, please call Bill Kline of my staff or me at (202) 382-7917.

Sincerely,

Robert W. April, Chief
Capacity and Storage Section

RWD/bw

cc: Bob Dellinger, WMD
Bill Kline, WMD
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