

# **RESPONSIVENESS SUMMARY**

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 1
- REFERENCE: RESTORE comments, dated January 30, 2008, on CECOS International, Inc. Hazardous Waste Post-Closure Permit Application.
- ISSUE: Request for a Public Hearing
- COMMENT: We demand a Public Hearing with the following items on the agenda:
1. 15 minute presentation by LDEQ to give a simple, graphic streamlined explanation of the permit process, with the last 5 minutes of that presentation to be devoted to explaining why it has taken so long to get apparently no farther along than we were 20 years ago.
  2. 15 minute question and answer period in which audience members can pursue clarification on the above.
  3. 15 minute presentation by LDEQ to give a frank overview of the chemical contamination that exists at and around the facility, with the last five minutes explaining why certain things have not yet been done despite promises that were made to the public in the past.
  4. 15 minute question and answer period in which audience members can pursue clarification of the above.
  5. 15 minute intermission to allow people to discuss things among themselves.
  6. Unlimited time for comments from the audience.
  7. Wrap up by LDEQ with commitment to have transcript of the hearing reviewed by all decision makers in Baton Rouge and at EPA Regional Headquarters in Dallas, with promise of quick and meaningful responses at both the permitting level and at the actual facility and its surroundings.

**LDEQ RESPONSE:** The LDEQ acknowledges the above comment. The Waste Permits Division issued a letter dated May 19, 2008 responding to RESTORE's request for a public hearing by providing information concerning the public hearing process and information on the permitting process. A copy of the May 19, 2008 response letter is available on the Electronic Document Management System (EDMS) as Document Number 36878607.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

**ITEM:** 2

**REFERENCE:** RESTORE comments, dated January 30, 2008, on CECOS International, Inc. Hazardous Waste Post-Closure Permit Application.

**ISSUE:** Request for further investigation of the area between Pond 10 and the Little River.

**COMMENT:** I request a transect of borings and monitor wells all the way to Little River with chemical analysis to determine the degree and type of contamination that I believe must exist between Pond 10 and the Little River.

**LDEQ RESPONSE:** The LDEQ acknowledges the above comment. The LDEQ will review all information concerning monitor well 71 and 74 (including well logs and sampling reports) and all boring data completed in the northeast corner. The Department will review all maps, piezometric information, borings and analyses from wells in the area (MW 71, 73, 74, 98 and PCU245).

Once the Department reviews all information (historical and current) concerning the area between Pond 10 and Little River, an anticipated determination concerning any further investigation of the Northeast Corner (the area between Pond 10 and Little River) will be made by the Department within 180 days of the effective date of the permit. Please see the responses provided in Item Nos. 3, 7, 21 and 23.

**ACTION:** No action to the permit is necessary at this time. The permit has not been revised.

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. - WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

- ITEM:** 3
- REFERENCE:** RESTORE comments, dated January 30, 2008, on CECOS International, Inc. Hazardous Waste Post-Closure Permit Application.
- ISSUE:** Volume 5, Figure 7 "Total Organics Isopleth Map Fourth Quarter 2006"
- COMMENT:** Monitor Well 74 beyond the east fenceline has 201 ppb organics and Monitor Well 71 beyond the fenceline has 46,597 ppb. Those wells are lateral to the slough that is in question yet they are picking up contaminants. There is simply no excuse for not exploring the surface, near surface, and intermediate layers of soil along the course that the wastes overflowed, to say nothing of no excuse for not analyzing the sediments in Little River at that location. Reinforcing our concern about the possible effects of ongoing contamination of Little River by poison springs or leachate from contaminated surface clays are the diagrams labeled "Time Series" for MW-74 showing a recent surge in total organics compared with past years, and similar surge in MW-71. The pulses are consistent with hydraulic interconnections between Little River and the screened sand layers at the well sites.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 2, 7, 21 and 23.

In addition, the spike or pulses in MW-74 can be attributed to significantly reduced groundwater recovery from recovery well MW-35. This lack of recovery has dated back to the fourth quarter 2004. This is approximately when MW-74 began to spike upward for total organics. MW-35 became inoperative in March 2006 following a period of declining groundwater recovery volumes. MW-35 was replaced in July 2007 with MW-35R which is located adjacent to MW-35. MW-35R was incorporated into the Shallow Pervious Zone recovery well network in November 2007. MW-35R has increased groundwater recovery volumes and overall recovery efficiency from this zone. Total organics have significantly been reduced

in this well as evidenced in the January 9, 2008 sampling event. MW-71 has also shown a marked decrease in total organics for the first quarter 2008 sampling event.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

- ITEM:** 4
- REFERENCE:** RESTORE comments, dated January 30, 2008, on CECOS International, Inc. Hazardous Waste Post-Closure Permit Application.
- ISSUE:** The time frame for the permitting process and the length of the permit.
- COMMENT:** It is almost incomprehensible that another six years have elapsed without these matters having been finalized. When we spoke in the 2002 meeting some of us pointed out that, at that time, we were waiting for a resolution of a 1998 application process, that in effect, had given the company four extra years without a final, controlling edict, or, as was interpreted by some of us, actually fourteen extra years. Now, adding six more years since 2002, we are up to twenty extra years.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. The Waste Permits Division issued a letter dated May 19, 2008 responding to RESTORE's concerns with the permitting process. The Department acknowledges that the application review for this facility has been long and complex, and that public comments can provide valuable information. RESTORE's continued interest in the review of the CECOS International, Inc. - Westlake Facility permitting process is appreciated. A copy of the May 19, 2008 response letter is available on the Electronic Document Management System (EDMS) as Document Number 36878607.
- ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. - WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 5
- REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: Concerns about the thirty (30) year post-closure care period.
- COMMENT: This Post-Closure Permit has within it a 30 year clock which began running in 1999. When that 30-year concept was proposed by other members of a committee I was on, (I believe that was in 1978). As we were being asked to write up recommendations for a State Hazardous Waste Management Plan, I objected strongly since I knew that there would be some situations that would be perpetual hazards, that 30 years was nothing when it came to the lifetimes of non-biodegradable toxins and the rates of flow of ground waters.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. The post-closure care period is for at least thirty (30) years, with permit renewal every ten (10) years or less. The post-closure period may be extended by the Administrative Authority when deemed necessary. Corrective action at the site must continue until concentration limits for all monitoring parameters listed in the permit have been achieved, and as otherwise required by the Administrative Authority. Therefore, the thirty (30) years will be extended until such time that the Administrative Authority determines the effectiveness of the post-closure care and as necessary to protect human health and the environment. The post-closure period includes monitoring and maintenance (i.e., manage a run-on and run-off control system to prevent erosion and other damage to the final cover, maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events). Please see responses provided in Item Nos. 14, 17, 19, 20, 26 and 31.
- ACTION: No action to the permit is necessary. The permit has not been revised.

### RESPONSIVENESS SUMMARY

#### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

ITEM: 6

REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

ISSUE: Concerns with the financial assurance for the facility and the cost for post-closure care.

COMMENT: The company has budgeted \$10 million dollars for the remaining 21 years in the Post Closure period. That was based primarily on the costs for disposing of the 29,000 gallons/year of leachate from the old cells and the 544,000 gallons of recovered contaminants being brought up through the recovery wells. Since it is likely that the leachate will always be generated and it is unlikely that the recovery wells will ever quit bringing up contaminants unless they are turned off, when the \$10 million dollars runs out, where will the continuing source of money come from, assuming that the leachate and recovered groundwater is still to be collected and disposed of?

The three financial assurance devices listed in Appendix L for the Post Closure period, a Performance Bond, and Irrevocable Standby Letter of Credit, and a Certificate of Liability Insurance, each seem to have a one-year duration, renewable or not renewable at the end of year's contract. Given the current collapse of the banking and insurance industries, what would happen if the particular banks and insurance companies involved in the Willow Springs site were to cave in and be required to not renew the financial assurance? If it were not to happen this go-around, since a bailout seems to be in the works, what if it happens later, when there might not be the public money or taxpayer will to bail out the financial assurance groups?

What financial assurance devices exist for the Post-Post Closure era?

LDEQ RESPONSE: The LDEQ acknowledges the above comment. The LDEQ is in receipt of a certificate of liability insurance, an Irrevocable Letter of Credit and a Surety bond. The financial responsibilities of the CECOS International, Inc. – Westlake Facility are required under LAC 33:V.Chapter 33 (3307

financial assurance for corrective action at regulated units and 3322 financial assurance for site-wide corrective action) and LAC 33:V.Chapter 37 (3301.B financial assurance for post-closure). During the active life of the Facility, financial assurance is updated annually. Cost estimates are also adjusted and reviewed annually by the Department. Regulatory provisions for the incapacity of owners or operators, guarantors, or financial institutions are addressed in LAC 33:V.3717.B. In the event a legal entity providing financial assurance declares bankruptcy or is otherwise unable to provide the security document, the Permittee must replace the financial security in accordance with the regulations.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 7
- REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: The hydraulic containment of contaminated groundwater in all affected zones.
- COMMENT: The following sentence is without factual basis: “Hydraulic containment of contaminated groundwater in all affected zones has been achieved.” A transect of borings with chemical analyses and installation of monitor wells is needed along that transect between the Northeast Corner of the site and the Little River. Evidence warranted imposition of a requirement that borings and analyses be done to determine how much surface overflow contamination had saturated the route between Pond 10 and the river. No piezometers or monitor wells in the gap between Monitor Wells 73 and 74, 98 and PCU245.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. Please see responses provided in Item Nos. 2, 3, 7, 21, and 23 for more information concerning this comment.

Hydraulic containment of groundwater has been achieved in this area. Noted in the ground water quarterly reports are potentiometric maps for each monitored zone. In each zone it is clearly shown that containment of groundwater has been achieved. Each quarter water level measurements are taken and this data is used to generate these maps. The transect of borings, proposed by the EPA, when regulatory authority for HSWA was with EPA, would not alter the fact that hydraulic containment has been achieved. This transect, if performed, would determine if contamination was present in soils above or in the Shallow Silt Zone, located in this area. It would also help confirm whether or not the “shale out” indicated in the Shallow Zone Northeast Corner is present as shown. If contamination was found to be present in the shallow silt zone between MW-73 and MW-98, the recovery well system would not change. Hydraulic containment would exist as it is now.

There were borings drilled during the RFI process which was completed in December 1995. Two borings were located along the facility's east boundary just north of MW-71 in the Northeast corner of the facility. These two borings, designated as L-313 and L-314, show the "shale out" of the "Shallow Silt" in this area. With recovery wells MW-35R, MW-36R, and MW-30 pumping in their present location there is no indication that additional monitor wells located in the "shale out" would improve upon the present cone of depression created by these three recovery wells.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 8
- REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: Concerns about Monitor Well 27 and Monitor Well 50.
- COMMENT: “I have asked for and I ask again that as close to the injection well as possible be placed a new monitor well (with chemical analyses of the material that comes up during its construction so as to determine what concentrations of which contaminants occur at what depths).”
- The monitor well nearest the injection well (MW-27) has high readings of contamination. The well should be screened at a depth sufficiently below the base of any contamination found so that we can be assured that the injection well is not the source of contamination and that should any contamination come up from below that it is quickly detected. Monitor Well 50 is too far away to quickly detect any contamination coming up around the casing. It may be upgradient from the flow of groundwater at the depths that lie between the base of the USDW and the injection zone.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. However, the Louisiana Department of Natural Resources (DNR), Office of Conservation, Injection and Mining Division has regulatory authority over the injection well at the CECOS International, Inc. – Westlake Facility. The following website may provide contact and useful information. <http://dnr.louisiana.gov/cons/CONSERIN/Conserin.ssi>.

Monitor wells MW-17, 18, and 53 are all screened within the “200-Foot Zone”. They are located northwest of the injection well. Sample results from these three wells have consistently demonstrated an absence of any contamination. This is an indication that contamination in the “50-Foot Zone” is separate and not apart of any contamination that might be seeping up from the injection well, otherwise these wells would, by all accounts, exhibit some contamination that may or may not be from a deeper source.

The Department of Natural Resources uses a radioactive tracer survey annually to detect any leaks that may occur from the casing or from cement plugs placed in the annulus of the well. In addition, the LDNR performs a mechanical integrity test of the casing four times a year. Both these tests are designed to detect any leakage that may occur from potentially cracked casing or compromised cement placed in the annulus of the well. These tests would detect leakage much quicker than a monitor well located adjacent to the well.

MW-50 and any additional monitor wells proposed for injection well monitoring are associated with the injection well permit and comments should be addressed during the injection well permit renewal process scheduled in March 2012.

Further, monitor wells used to monitor injection wells are primarily designed to detect any vertical migration that may occur via interconnection of sands that may act as a conduit for injected waste in saltwater sands that may migrate upward to the base of the fresh water sand. They are not designed to monitor potential leaks from casing and compromised cement in injection wells. The injection well injects waste just below 4100 feet. The primary function of MW-50 is to monitor the base of the fresh water aquifer so as to detect any potential injected waste migrating upward from 4100 feet to 1160 feet (the screened interval of MW-50 and the approximate base of the fresh water sand). This would alert the Department that the base of the fresh water aquifer is being affected by injected waste and appropriate actions would have to be taken in order to protect all shallower fresh water sands. Please see responses provided in Item Nos. 18, 21, 24 and 27.

**ACTION:**

No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 9
- REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: Removal of the sources of contamination.
- COMMENT: According to my rough, very rough, calculations, there has to be at least 10 cubic acres of contamination beneath the 80 acre site. Before the contamination had saturated to depths below the 50 foot zone, some of us had begged that the sources be removed. That was not done and now the field of contamination is far greater than it would have been. Would it not still be the prudent thing to do to at least excavate and remove the 665,000 cubic yards of highly-concentrated toxic and corrosive materials in the old closed landfill cells?
- LDEQ RESPONSE: The LDEQ acknowledges the above comment but does not concur.

CECOS submitted a Remedial Action Plan on May 29, 1984 that evaluated options for remedial actions at the facility. Twenty-six potentially-viable alternatives were evaluated in the May 29, 1984 Remedial Action Plan to address areas that had experienced impacts associated with old unlined impoundment areas that were identified to be the source of impacts. The potentially-viable alternatives were grouped into three functional categories: 1) Removal; 2) Containment; and 3) Treatment.

The Remedial Action Plan evaluated sixteen (16) potentially-viable alternatives for the 50-Foot Zone and ten (10) potentially-viable alternatives for the Shallow Pervious Zone.

After carefully evaluating the potentially-viable alternatives, the selected remedial actions identified in the May 29, 1984 Remedial Action Plan were placement of a clay cap on old unlined impoundment areas combined with drainage improvements and groundwater collection using wells screened in the 50-Foot Zone, plus clay cap in the northeast corner area combined with drainage improvements and groundwater collection using

wells screened in the Shallow Pervious Zone. Capping the old unlined lagoon areas reduced or eliminated future infiltration from precipitation, drainage improvements enhanced the movement of stormwater runoff, and groundwater collection provided contaminant removal along with hydraulic control.

While excavation of residual materials was considered in the 1984 Remedial Action Plan, such a procedure was deemed not feasible due to unnecessary health and safety risks and cost prohibitive because of: exposure of residual materials and soils; the volume of excavated materials and soils that would be necessary; handling of excavated materials and soils; and transportation and secondary disposal. For the present, such a procedure does not directly address groundwater impacts and would disrupt the effectiveness of the current remedial system in place.

The only permeable zone beneath the "50-Foot Zone" is the "200-Foot Zone". This zone is being monitored via series of monitor wells that screen the upper and lower "200-Foot Zone". To date no verified contamination has been found in these wells, confirming that no contamination is present below the "50-Foot Zone" at this time.

**ACTION:**

No action to the permit is necessary. The permit has not been revised.

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. - WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

**ITEM:** 10

**REFERENCE:** RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

**ISSUE:** The use of EDC and toluene as the indicator chemicals for assessing the spread of the plumes of contamination. Perchloroethylene actually moves faster. Trichlorofluoromethane or Freon are even faster trackers.

**COMMENT:** I would like to see trichlorofluoromethane added to Table G.2.

**LDEQ RESPONSE:** The LDEQ acknowledges the above comment.

Trichlorofluoromethane is included in the list of analytes in method 8260B. CECOS uses this method when analyzing for volatile organics. To date, trichlorofluoromethane has not been detected in groundwater samples collected from monitoring wells at this site. If this constituent is found then it will be reported as required by the regulations.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

ITEM: 11

REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

ISSUE: Page 33, the compliance levels applied only to the “uppermost permeable zone.”

COMMENT: Page 33 gave me the impression that those compliance levels applied only to the “uppermost permeable zone.” I would hope that they also apply to all permeable zones.

LDEQ RESPONSE: The LDEQ acknowledges the above comment. The Table G.2 concentration limits apply to all wells on site and all zones monitored.

ACTION: No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 12
- REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: Concerns with the redesignation of wells and plugged and abandoned wells. Too much relief from monitoring and analyses is being given.
- COMMENT: There should not be a wholesale redesignation of monitor wells to piezometers which do not have to be sampled and analyzed for chemical contaminants, nor plugged and abandoned wells unless there is a certainty that they will not be useful in covering areas formerly monitored. What if there is resumption of migration in areas thought to have been brought under control. "There were several things that made me worry that too much relief from monitoring and analyses is being given to the company.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. The Department and CECOS International, Inc./Allied Waste Services have had several meetings to discuss changes to the recovery system to make it more efficient. Some of the changes made are in the best interest of enhancing recovery of contaminated groundwater onsite. Certain recovery wells, for example MW-46, no longer serve their initial purpose. This particular well recovers clean groundwater and only interferes with the efficient recovery of the plume. It draws groundwater away from the center of the cone of depression, the area where greatest contamination is observed. Other wells, namely those located on the western side of the facility have been clean for some time now and no longer serve any purpose. This series of wells have been historically outside of the plume and have never encountered any contamination. These wells will be plugged and abandoned.
- ACTION: No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

**ITEM:** 13

**REFERENCE:** RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

**ISSUE:** Page 48, "After the Permittee is relieved from continuous pumping of this system," (the leak detection system for Phase III of Cell 7), the sampling frequency will be reduced...

**COMMENT:** Why would a leak detection system not always be kept operational?

**LDEQ RESPONSE:** The LDEQ acknowledges the above comment.

The leak detection system is utilized to see if any leachate is leaking from the piping system for the leachate collection system. If liquids are present in the leak detection system then this indicates that the leachate collection system is leaking. It is liquids from the leak detection system that will be continuously pumped until all liquid is removed. When all liquids are removed from pumping, then sampling of this system will go from a quarterly sampling schedule to a semi-annual schedule. If liquids are found during a semi-annual sampling event, then pumping will recommence and continue until all liquids are removed and sampling will revert back to the quarterly schedule.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 14
- REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: Concerns with the concept of compliance for three years in a row allowing relief from further monitoring and control actions.
- COMMENT: “Very confusing to me was the concept of compliance for three years in a row allowing relief from further monitoring and control actions.
- To presume that there could not be a strong pulse of something after three years of absence is a mistake at a place like Willow Springs.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. As stated in LAC 33:V.3313.C, if the owner or operator is engaged in a corrective action program at the end of the compliance period specified in Subsection A of this Section, the compliance period is extended until the owner or operator can demonstrate that the groundwater protection standard of LAC 33:V.3305 (Table G.2) has not been exceeded for a period of three consecutive years. The compliance period as stated in Subsection A of this regulation is the number of years equal to the active life of the waste management area (including any waste management activity prior to permitting, and the closure period). The facility is engaged in a corrective action program that will continue after the post closure period of 30 years has expired, if constituents in groundwater are still above Table G.2 concentration levels. When and if, all on-site monitor wells have exhibited concentrations that are below the listed Table G.2 concentrations for a period of three consecutive years then the compliance period shall meet the requirement of LAC 33:V.3313.C. The Department will, at that time, make a determination of whether the compliance period will be extended. Please see responses provided in Item Nos. 5, 17, 19, 20, 26, and 31.
- ACTION: No action to the permit is necessary. The permit has not been revised.

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

**ITEM:** 15

**REFERENCE:** RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

**ISSUE:** The concept that instantaneous compliance once a level from Table G.2 has been achieved.

**COMMENT:** Page 66-67 raised an even greater concern, that maybe there is such a thing as instantaneous compliance once a level from the G.2 table has been achieved. I hope that is not the case.

**LDEQ RESPONSE:** The LDEQ acknowledges the above comment. However, there is no regulation that specifies "instantaneous compliance". Please see the response provided in Item No. 14.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

ITEM: 16

REFERENCE: RESTORE (Michael Tritico) comments, dated October 21, 2008, on CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

ISSUE: No Corrective Action Program Wells in the 200-Foot Zone.

COMMENT: Page 73, says that “Presently there are no 200-Foot Zone Corrective Action Program Wells.” If the contaminants once made it into the 200-Foot Sand then it would be almost impossible to retrieve them. I suppose that is why there are no such recovery wells?

LDEQ RESPONSE: The LDEQ acknowledges the above comment. There are no Corrective Action Program wells in the 200-Foot Zone since there is no contamination currently in the 200-Foot Zone. Please see responses provided in Item Nos. 28 and 29.

ACTION: No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 17
- REFERENCE: Ms. Pam Tynes' public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: CECOS not making a presentation at the public hearing and the Facility being responsible for the contamination.
- COMMENT: Why is BFI not presenting any statement about what they are doing?
- Will they still be responsible forevermore for any damages to water, land, person or air?
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. The Facility (CECOS International, Inc./Allied Waste) has the option, under the public hearing guidelines, to make a statement and/or presentation or they can also elect not to do so.
- Post-closure permits are normally required for a minimum of thirty (30) years after closure. The post-closure period may be extended based on site-specific conditions. The Administrative Authority may extend the post-closure care period beyond the thirty (30) year minimum to protect public health and the environment and for the site as long as the wastes pose a threat to water quality. Corrective action at the site must continue until concentration limits for all monitoring parameters listed in the permit have been achieved, and as otherwise required by the Administrative Authority. The post-closure period includes monitoring and maintenance (i.e., manage a run-on and run-off control system) to prevent erosion and other damage to the final cover, maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events. Please see the responses provided in Item Nos. 5, 14, 19, 20, 26 and 31.

In addition, the Administrative Authority retains the authority to extend the post-closure care period and the corrective action program to protect human health and the environment.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT**

**LAD 000 618 256**

**AGENCY INTEREST NO. 276**

- ITEM:** 18
- REFERENCE:** Mr. Herbert Rigmaiden's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE:** Concerns with the injection well and groundwater contamination at the CECOS Facility.
- COMMENT:** The CECOS Facility is located over one of our main water aquifers for Calcasieu. I am concerned with the pumping of large amounts of chemicals down the injection well in one place and the movement of these chemicals.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. However, the Louisiana Department of Natural Resources (DNR), Office of Conservation, Injection and Mining Division has regulatory authority over the injection well at the CECOS International, Inc. – Westlake Facility. The following website may provide contact and useful information.  
<http://dnr.louisiana.gov/cons/CONSERIN/Conserin.ssi>.
- There are thirty (30) monitor wells monitoring the 200-Foot Zone and the upper and lower Chicot Aquifer beneath the site. The established groundwater monitoring system consists of an adequate number of wells to detect any contamination that may or may not migrate into this zone. Please see responses provided in Item Nos. 8, 21, 24, 27, 29 and 30.
- ACTION:** No action to the permit is necessary. The permit has not been revised.

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

**ITEM:** 19

**REFERENCE:** Mr. Charlie Atherton’s public comments from the October 21, 2008 public hearing for CECOS International’s Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

**ISSUE:** Concerns with groundwater contamination and the contamination of local water wells and the 30-year post-closure care timeframe.

**COMMENT:** In the past, water from local wells had a color and odors of concern. I don’t know that that was ever addressed. I am concerned about the 30-year post-closure timeframe and what will happen at the end of 30 years. I am concerned about the continued responsibility of the Company for the contamination.

I am requesting a proper delineation of the contamination and proper monitoring of all of the water zones and water bodies, including the river.

I request that the permit insures that the Company will never be able to walk off from the site.

**LDEQ RESPONSE:** The LDEQ acknowledges the above comment. The Department is not aware of any data on the contamination of local water wells.

Post-closure permits are normally required for a minimum of thirty (30) years after closure. The post-closure period may be extended based on site-specific conditions. The Administrative Authority may extend the post-closure care period beyond the thirty (30) year minimum to protect public health and the environment and for facilities/units as long as the wastes pose a threat to water quality. Corrective action at the site must continue until concentration limits for all monitoring parameters listed in the permit have been achieved, and as otherwise required by the Administrative Authority. The post-closure period includes monitoring and maintenance (i.e., manage a run-on and run-off control system to prevent erosion and other damage to the final cover, maintain the integrity and effectiveness of the final cover, including making repairs to the cap as necessary to correct the effects of settling, subsidence, erosion, or other events). Please see the responses provided in Item Nos. 5, 14, 17, 20, 26

and 31.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

**CECOS INTERNATIONAL, INC. - WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

ITEM: 20

REFERENCE: Ms. Peggy Franklin's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

ISSUE: The potential for the Company to abandon the site and the laws and regulations that are provided to prevent this from happening.

COMMENT: Is there a law that has been passed or maybe regulations passed that if waste has been landfilled that it cannot be abandoned? Is the responsible party responsible for it for life? Is BFI/CECOS grandfathered in under the law/regulations, or will this apply to them also?

RESPONSE: The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 5, 14, 17, 19, 26 and 30.

ACTION: No action to the permit is necessary. The permit has not been revised.

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

ITEM: 21

REFERENCE: Mr. Ernest Colonna’s public comments from the October 21, 2008 public hearing for CECOS International’s Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

ISSUE: Concerns with proper or adequate distribution of monitoring wells downgradient to the site.

COMMENT: I do not know whether there is a proper or adequate distribution of monitoring wells downgradient to the site to monitor the Chicot Aquifer and the Evangeline Aquifer. I ask that the permit reflect a proper distribution of wells downgradient from the site to determine the migration of materials leaving the site.

My primary concern is to determine any and all migration of hazardous materials migrating from the site, particularly toward the south. Our aquifer moves from the north to the south. Any and all integrations of our drinking water from the 80, 200, 500, and 700 foot sands need to be adequately addressed by this permit process, and also the Evangeline Aquifer that lies below it.

One of the other issues of primary concern is the northeast corner of the site, where it has been reported that materials leaving the pits are migrating into the Little River.

One of my primary concerns is the injection well and the material that had been pumped into the ground would not migrate offsite for 10,000 years, although there were never any borings or log information sustained by the history of the site that proves that there are any zones below ground that are impervious to migration. They are still using it to inject materials that are not tested for toxicity in the injection well, and I think that is a major issue that needs to be raised.

LDEQ RESPONSE: The LDEQ acknowledges the above comment.

The Department considers the current placement of monitor wells in all three monitored zones (NE Shallow Silt, the 50-Foot, and the 200-Foot Zones) adequate to detect any migrations downgradient from the plume.

The Evangeline Aquifer below the CECOS-Westlake Facility exists as saltwater sand (Department of Conservation Louisiana Geological Survey, Water Resources Bulletin No. 10, October 1967).

Concerning the Northeast Corner of the site, again please see the responses provided in Item Nos. 2, 3, 7 and 23.

Please see the response provided in Item No. 8 concerning your comments that pertain to the injection well. The Louisiana Department of Natural Resources (DNR), Office of Conservation, Injection and Mining Division has regulatory authority over the injection well at the CECOS International, Inc. – Westlake Facility. The following website may provide contact and useful information.  
<http://dnr.louisiana.gov/cons/CONSERIN/Conserin.ssi>.

The wastes accepted for disposal in the injection well are subject to the requirements in the operating permit for the CECOS Facility and will be addressed in the operating permit and in the waste analysis plan.

**ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

ITEM: 22

REFERENCE: Mr. Michael Tritico's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

ISSUE: Concerns with monitoring well 71 and the Northeast Corner of the Facility.

COMMENT: I noticed that monitor well 71, for example, which is right on the fence line in the northeast corner, has 60,000 parts per billion of trichloroethane. Now what that tells me is that I'm right in my written comments to be extremely concerned about the northeast corner. The point of compliance line is not at the fence line. It's conveniently drawn out beyond the fence line. There is a monitor well out in the direction, off the property, and it too has trichloroethane in it, but I'm wondering why the points of compliance are not the fence line. Why not the property line? Why go out in the neighborhood to draw a point of compliance line?

LDEQ RESPONSE: The LDEQ acknowledges the above comment.

The Northeast Corner is considered an Area of Concern (AOC) and is defined by the use and location of monitor wells; therefore the Point of Compliance is defined by the existing monitor wells. Some units are defined by the visible surface extent, such as known impoundments. The Point of Compliance for these units is defined by the boundaries of the unit or impoundment.

ACTION: No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. - WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM:** 23
- REFERENCE:** Mr. Michael Tritico's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE:** Transect of borings between the northeast corner of the site, where pond 10 used to overflow, and the Little River.
- COMMENT:** I'm asking that the promise be fulfilled. When Steve Slayton was the EPA person who began to implement the new law called RCRA, he called for a RCRA Facility Investigation (RFI) that included many things, some of which haven't been done. But the critical one in the northeast corner has never been done, that was a transect of borings between the northeast corner of the site, where pond 10 used to overflow, and the Little River. Pond 10 used to catch the stuff that was overflowing from the upper ponds. We could see the upper ponds flowing down, cascading down into the last pond, which was supposed to be pure rainwater.
- The Applicant has supplied, contours showing ground water flow directions, and you will see contours showing the EDC concentrations, but you will see there is a notch, and there's a major extrapolation in those two maps that is company friendly, without borings, without monitoring wells, without piezometers. There's no monitor well between 71 and 98 or 71 and 74. It's a big data gap.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 2, 3, 7, and 21.
- ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

- ITEM:** 24
- REFERENCE:** Mr. Michael Tritico's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE:** A monitor well closer to the injection well.
- COMMENT:** Another thing I think should be done is a monitor well closer to the injection well. Monitor well 27, the one nearest to the injection well, has always shown high levels of contamination.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 8, 18, 21 and 27.
- The Louisiana Department of Natural Resources (DNR), Office of Conservation, Injection and Mining Division has regulatory authority over the injection well at the CECOS International, Inc. – Westlake Facility. The following website may provide contact and useful information.  
<http://dnr.louisiana.gov/cons/CONSERIN/Conserin.ssi>.
- ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

**CECOS INTERNATIONAL, INC. - WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

ITEM: 25

REFERENCE: The LDEQ's comments and revisions concerning the CECOS International, Inc. Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

ISSUE: Permit Conditions VI.F.5, VI.F.8, VI.F.8.a, VI.G.1.a.vii, VI.H.1 and .G.2.

COMMENT: To make grammatical corrections to indicator parameters for groundwater analysis.

LDEQ RESPONSE: Permit Conditions VI.F.5, VI.F.8, VI.F.8.a, VI.G.1.a.vii, VI.H.1 and Table G.2 have been revised to remove cis-1,2-dichloroethane (EDC) and trans-1,2-dichloroethane (EDC) as indicator parameters.

ACTION: Permit Conditions VI.F.5, VI.F.8, VI.F.8.a, VI.G.1.a.vii, VI.H.1 and Table G.2 were revised to "1,2-dichloroethane (EDC)."

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

- ITEM:** 26
- REFERENCE:** Ms. Pam Tynes' public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE:** That CECOS International, Inc./Allied Waste continue to be responsible for the corrective action at the Westlake Facility.
- COMMENT:** I want forevermore responsibility of BFI for everything that's gone on beforehand with regard to everything that's been done there.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 5, 14, 17, 19, 20 and 31.
- ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 27
- REFERENCE: Mr. Herbert Rigmaiden's public comments from the October 21, 2008 public hearing for CECOS International Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: The pumping of chemicals down the injection well.
- COMMENT: I think EPA needs to take a look at the pumping of all those chemicals down underneath the ground.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 8, 18, 21 and 24.
- The Louisiana Department of Natural Resources (DNR), Office of Conservation, Injection and Mining Division has regulatory authority over the injection well at the CECOS International, Inc. – Westlake Facility. The following website may provide contact and useful information.  
<http://dnr.louisiana.gov/cons/CONSERIN/Conserin.ssi>.
- The wastes accepted for disposal in the injection well are subject to the requirements in the operating permit for the CECOS Facility and will be addressed in the operating permit and in the waste analysis plan.
- ACTION: No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM:** 28
- REFERENCE:** Mr. Charlie Atherton's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE:** The concern is that presently there are no 200 Foot Zone corrective action program wells and the request for delineation of the ground water for contamination.
- COMMENT:** Page 73 of the Permit. Presently there are no 200 Foot Zone corrective action program wells. So, that's one of the reasons for the stress on complete and total delineation of the ground water for contamination. Obviously, if there's some found, then corrective remediation should take place.
- I ask that the DEQ go back to past public hearings and review the comments that were given because they will give you a good history of what you're going to be dealing with in the future.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 16 and 29.
- The LDEQ has reviewed all technical information, all historical information (including but not limited to past public comments) and all current information concerning the CECOS International, Inc. – Westlake Facility.
- ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM:** 29
- REFERENCE:** Mr. Ernest Colonna's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE:** The site sits on top of the Chicot Aquifer, the sole source of drinking water for the area.
- COMMENT:** Our primary source of water comes from the Chicot and this site sits on top of the Chicot and it is a major concern for me...also for our drinking water. It's our sole source of drinking water.
- I am asking that the previous hearings and historical information about this site be reviewed to gain a particular insight, a three-dimensional understanding of what this site is about.
- LDEQ RESPONSE:** The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 18, 21 and 30.
- ACTION:** No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. - WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 30
- REFERENCE: Mr. Paul Ringo's public comments from the October 21, 2008 public hearing for CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: The site sits on top of the Chicot Aquifer, the sole source of drinking water for the area.
- COMMENT: Our primary source of water comes from the Chicot and this site sits on top of the Chicot and it is a major concern for me also for our drinking water. It's our sole source of drinking water.
- I am asking that the previous hearings and historical information about this site be reviewed to gain a particular insight, a three-dimensional understanding of what this site is about.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 18, 21, and 29.
- ACTION: No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 31
- REFERENCE: Ms. Mary Ellendar's public comments, dated October 24, 2008, on CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: The responsibility of BFI/CECOS liability for the site should not expire in thirty (30) years.
- COMMENT: BFI/CECOS should not be allowed to avoid "potential and real environmental effects, balancing of social and economic benefits against impact losses and alternative sites, projects and mitigative measures.
- There should not be a time prescription for BFI/CECOS' liability with this impending health catastrophe.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. Please see the responses provided in Item Nos. 5, 14, 17, 19, 20 and 26. Please see the "Fact Sheet" in the Draft Hazardous Waste Post-Closure Permit dated July 17, 2008 for the "IT" Analysis.
- ACTION: No action to the permit is necessary. The permit has not been revised.

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

- ITEM: 32
- REFERENCE: CECOS International's comments, dated October 24, 2008, on CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.
- ISSUE: The wording on of the signature page concerning post-closure care period
- COMMENT: The second page of the draft Post-Closure permit cover letter, which has a signature placeholder for Cheryl Sonnier Nolan, Assistant Secretary, Louisiana Department of Environmental Quality (LDEQ) states, "The post-closure care period for the permitted units, which are subject to the requirements of LAC 33:V.3519 through 3527, including monitoring and maintenance, will be in effect for at least thirty (30) years, unless extended by the Administrative Authority".
- CECOS would like to clarify that the post-closure care period for the permitted units subject to the requirements of LAC 33:V.3519 through 3527, including monitoring and maintenance, will be in effect for at least thirty (30) years after closure, unless extended by the Administrative Authority. The addition of the words "after closure" will more clearly acknowledge the closure dates for various units described in the Closed Areas Post-Closure Permit application, identified in Sections IV of the draft Post-Closure Permit, and reiterated below:
- Landfill Cell 7: Stopped receiving waste prior to 1988. Referred to in a November 1999 LDEQ inspection letter as "closed."
  - pH Adjustment Basins, Equalization Basin, and Mixing Basins: Certified closed in 1997.
- Similar changes may be appropriate in other sections of the Post-Closure Permit, including but not limited to Section II.B Effect of Permit, 1<sup>st</sup> paragraph, and Section V. Permit Conditions Applicable to the Permitted Closed Post-Closure Units.
- LDEQ RESPONSE: The LDEQ acknowledges the above comment. Language concerning the start or beginning of the post-closure care period for the permitted units

has been added to the permit. As stated in the permit application dated December 2007, the Impoundments were closed and began post-closure care in 1999 and the landfill cells were in post-closure care no later than 1999 based on the November 16, 1999 LDEQ Inspection Letter.

**ACTION:**

Permit Signature Page, has been revised to state "The post-closure care period for the permitted units, which are subject to the requirements of LAC 33:V.3519 through 3527, including monitoring and maintenance, will be in effect for at least thirty (30) years, unless extended by the Administrative Authority. The post-closure care period for the permitted units began November 1999."

Section II.B has been revised to state "This permit authorizes the Permittee to conduct post-closure care and corrective action for a period of no less than thirty (30) years, monitor groundwater, and conduct corrective action for groundwater contamination in accordance with the conditions of this permit, unless the permit is amended by the Administrative Authority. The post-closure care period for the permitted units began November 1999."

Section V has been revised to state "The post-closure care period will be in effect for the period of thirty (30) years, unless extended or shortened by the Administrative Authority, as specified in LAC 33:V.3521.A.1 and 2. The post-closure care period for the permitted units began November 1999."

## RESPONSIVENESS SUMMARY

### CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY HAZARDOUS WASTE POST-CLOSURE PERMIT LAD 000 618 256 AGENCY INTEREST NO. 276

**ITEM:** 33

**REFERENCE:** CECOS International's comments, dated October 24, 2008, on CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

**ISSUE:** The status of Pond 10 as a solid waste management unit (SWMU) and its inclusion in the post-closure permit.

**COMMENT:** The draft Post-Closure Permit includes Pond 10 as a solid waste management unit (SWMU) that was used to store and dispose of hazardous wastes. Pond 10 was not a SWMU used to store and dispose of hazardous wastes. As represented by CECOS in the information submitted under cover letter dated October 24, 2008, Pond 10 was used only as a stormwater retention pond, as confirmed by interviews with site operations personnel, by previous permits issued by the US Environmental Protection Agency and State of Louisiana, by testing of waters contained in the pond, by testing of sediments below the pond, and by decommissioning methods approved by the LDEQ predecessor Agency. Various Sections of the draft Post-Closure Permit should be revised to delete references to Pond 10 as a SWMU to the Permit, including but not necessarily limited to Section VI.A.

The draft Post-Closure Permit also requires that the facility include Pond 10 as a SWMU requiring corrective action (Section II.E.26.d). Because Pond 10 was never a SWMU, as clearly demonstrated in Attachment 1 and as confirmed through LDEQ and its predecessor Agency actions and approvals, CECOS requests that Section II.E.26.d and any other related Sections that discuss Pond 10 as a SWMU be deleted from the final Permit.

Section II.E.26.e requires that the facility submit clean closure documentation for Pond 10. As described above and as detailed in Attachment 1, Pond 10 was not considered by LDEQ, its predecessor Agency, or USEPA to be a SWMU and LDEQ approved the closure of Pond 10 by cutting through the berm and allowing the water from Pond 10 to flow into Little River, given pond water sampling results that indicated it was appropriate to do so. It is not now possible for CECOS to produce

the requested scope of clean closure documentation for Pond 10 because the LDEQ and its predecessor Agency did not consider Pond 10 to be a SWMU and therefore approved closure procedures that were based on non-hazardous methods as appropriate given its use. CECOS requests that Section II.E.26.e and any other related Sections that discuss Pond 10 clean closure be deleted from the final permit.

**LDEQ RESPONSE:** The LDEQ acknowledges the above comment. Permit Conditions II.E.26.d and II.E.26.e have been removed. However, all closed areas/units/areas of concern (including Pond 10) remain subject to site-wide corrective action and groundwater protection standards.

Permit Condition VI.A has been revised to clarify its applicability to those areas used to store and dispose of hazardous waste and to areas currently involved in site-wide corrective action.

**ACTION:** Permit Condition II.E.26.d and Permit Condition II.E.26.e have been removed from the Schedule of Compliance.

Permit Condition VI.A has been revised to state "The regulations of LAC Title 33, Part V, Chapters 5, 15, 25, 29, 33, 35, and Louisiana's Water Control Law, R.S. 30:2076 of the Environmental Quality Act, R.S. 30:2001 et seq, and provisions of this permit shall apply to groundwater protection programs for areas identified below that are/were used to store and dispose of hazardous wastes and/or are areas currently involved in site-wide corrective action. All requirements and conditions of this permit shall apply to all applicable areas including compliance, corrective action and post-closure care periods until the concentration limits listed in Table G.2 have been achieved, or as required by the Administrative Authority".

**RESPONSIVENESS SUMMARY**

**CECOS INTERNATIONAL, INC. – WESTLAKE FACILITY  
HAZARDOUS WASTE POST-CLOSURE PERMIT  
LAD 000 618 256  
AGENCY INTEREST NO. 276**

**ITEM:** 34

**REFERENCE:** The LDEQ's comment on CECOS International's Draft Hazardous Waste Post-Closure Permit dated July 17, 2008.

**ISSUE:** Clarification on the re-characterization of waste.

**COMMENT:** The LDEQ should clarify the language in III.B.3 pertaining to requirements for annual re-characterization of waste.

**LDEQ RESPONSE:** The LDEQ acknowledges the need to revise the language in Permit Condition III.B.3. Specifically, the requirement for re-characterization of all groundwater samples has been removed.

**ACTION:** Permit Condition III.B.3 has been revised to state "The Permittee shall, at a minimum, annually re-characterize all hazardous waste streams shipped off-site or treated on-site."