

US EPA ARCHIVE DOCUMENT



RCRA Permit Appeal Fact Sheet

1989

FACILITY: Texaco Refining and Marketing Inc. (Texaco) and Star Enterprise (Star)
Convent, Louisiana
LAD 065 485 146
RCRA Appeal No. 89-10

PETITIONERS: - Texaco
- Star

PETITION FILED: March 15, 1989

STATUS OF PETITION: See Permit Appeal Status Report

ISSUES: - Procedural issues
- Joint permitting

Summary of Petition:

Texaco and Star are petitioning for review of permit conditions that are primarily concerns of the Louisiana Department of Environmental Quality (LDEQ). The petitioners argue that the LDEQ did not respond to these issues when they were raised during the public comment period. The petitioners have filed this appeal with the State and asked the Regional Administrator to defer action pending resolution of the State appeal. Those issues that address only the State portion of the permit are not discussed in this fact sheet. A procedural issue and a joint permitting issue that may address both LDEQ and EPA are discussed below:

- **Procedural Issues.** The petitioners argue that the permit should have been issued to Star Enterprise, the present owner and operator of the facility. The petitioners notified both the LDEQ and EPA of the transfer of responsibility, coverage, and liability in letters dated November 28, 1988.
- **Joint Permitting.** The petitioners argue that the metals loading limits, which are taken from proposed EPA limits for the disposal of municipal sewage sludge on agricultural land, are contrary to law, since Louisiana law prohibits the use of the permitted unit (an industrial land treatment unit) for agriculture.

BEFORE THE ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.

In the Matter of:)
)
Texaco Refining and Marketing Inc.)
and Star Enterprise)
)
RCRA Permit No. LAD 065 485 146)
)

RCRA Appeal No. 89-10

ORDER DENYING REVIEW

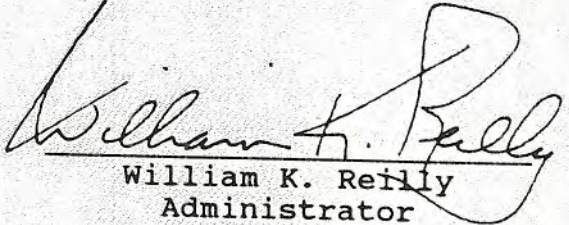
By petition dated March 14, 1989, and submitted under 40 CFR §124.19, Texaco Refining and Marketing Inc. and its successor, Star Enterprise, seek review of a permit for a petroleum refinery in Convent, Louisiana, issued under the Resource Conservation and Recovery Act, 42 U.S.C.A. §§6901-6991i (1983 and West Supp. 1988). The permit was jointly issued by U.S. EPA Region VI and the Louisiana Department of Environmental Quality. The State of Louisiana is authorized under RCRA §3006(b) to operate its state RCRA program in lieu of the federal program, except for certain requirements imposed under the 1984 Hazardous and Solid Waste Amendments, Pub. L. No. 98-616, 98 Stat. 3221.

The issues raised on appeal relate to the state-issued portion of the permit. As explained by the Region in its May 23, 1989 response to the petition, such matters are not subject to

federal administrative review under 40 CFR §124.19. See RCRA §3006(b), 42 U.S.C.A. §6926(b) (authorized state program operates "in lieu of" federal program); 40 CFR §124.19(a) (limiting federal administrative review of RCRA permit decisions to those issued under §124.15 by U.S. EPA Regions); In re Highway 36 Land Development Co., RCRA Appeal No. 87-5 (September 2, 1987) (same). Accordingly, review is denied.

So ordered.

Dated: JUN 27 1989


William K. Reilly
Administrator

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Denying Review in ~~the~~ matter of Texaco Refining and Marketing Inc. and Star Enterprise, RCRA Appeal No. 89-10, were sent to the following persons in the manner indicated:

First class mail
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Dated: JUN 28 1989


Brenda H. Selden, Secretary
to the Chief Judicial Officer