

US EPA ARCHIVE DOCUMENT



RCRA Permit Appeal Fact Sheet

1989

FACILITY: BP Oil Company (BP Oil)
Ferndale, Washington
UAD 009 250 366
RCRA Appeal No. 89-13

PETITIONER: BP Oil

PETITION FILED: May 16, 1989

STATUS OF PETITION: See Permit Appeal Status Report

ISSUES: Miscellaneous other issues (state portion of the permit)

Summary of Petition:

The petitioner is appealing portions of its RCRA land treatment permit issued jointly by Region 10 and the Washington Department of Environmental Quality. The conditions of the permit that are under appeal include a requirement to install additional groundwater monitoring wells around the land treatment unit, a requirement to install piezometers in the unit to monitor the effectiveness of the seasonal high water table drain system, a list of approved wastes included in the permit, a requirement that personnel training be completed by May 19 of each year, and two requirements which specify that monitoring results be compared to practical quantitative limits listed in the permit. Therefore, appeal of these permit conditions must be made to the State. The Region is not authorized to make permit decisions concerning the RCRA base program in the State.

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

In the Matter of:)

BP Oil Company)

RCRA Permit No. WAD009250366)

RCRA Appeal No. 89-13

ORDER DENYING REVIEW

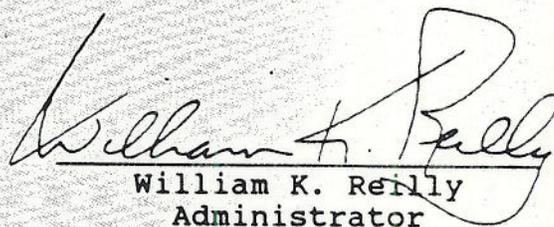
By petition dated May 15, 1989, and submitted under 40 CFR §124.19, BP Oil Company seeks review of a permit issued under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C.A. §§6901-6991i (1983 and West Supp. 1988). The permit is for a land treatment unit at BP's oil refinery in Ferndale, Washington, and was issued jointly by U.S. EPA Region X and the Washington State Department of Ecology. The State of Washington 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 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 Texaco Refining and Marketing Inc., RCRA Appeal No. 89-10 (June 27, 1989) (same); In re Highway 36 Land Development Co., RCRA Appeal No. 87-5 (September 2, 1987) (same). Accordingly, review is denied.

So ordered.

Dated: JUL 25 1989


William K. Reilly
Administrator

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Denying Review in the matter of BP Oil Company, RCRA Appeal No. 89-13, were sent to the following persons in the manner indicated:

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Dated: Jul 26 1989


Brenda H. Selden, Secretary
to the Chief Judicial Officer