

## Hazardous Waste Delisting and Treatment Variance Petitions



### Submit comments

Online at

<http://swm.ecology.wa.gov/commentinput.com/?id=sbNSY>

Or by mail to:

Greg Gould  
Industrial Section  
P.O. Box 47600  
Olympia, WA 98504

### Document review locations

Department of Ecology  
Industrial Section  
300 Desmond Drive SE  
Lacey, WA 98503  
Phone: 360-407-6916  
Hours: Mon. – Fri. 8 a.m. – 5 p.m.

### Webpage

<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Industrial-facilities-permits/Emerald-Kalama-Chemical>

### ADA accommodations :

Please visit  
<https://ecology.wa.gov/accessibility>,  
call Ecology at 360-407-6831, Relay  
Service at 711, or TTY 877-833-6341

### Comment period: November 12 – December 12, 2019

We invite you to comment on Ecology's proposed decision to allow Emerald Kalama Chemical, LLC (Emerald) and Fire Mountain Farms (FMF) to change how they manage some of their waste.

While state and federal law currently consider the waste to be "listed" hazardous waste, the companies collected data showing it does not contain chemicals at harmful enough levels to be considered dangerous.

### What's in the petition?

Emerald and FMF have submitted three delisting petitions and three treatment variance petitions to exclude (or "delist") a one-time amount of up to 20,100 cubic yards of material containing trace amounts of benzene and toluene and other chemicals from the list of federal hazardous wastes. In the events that led to this petition process, FMF mixed Emerald's wastewater treatment plant sludge with treatment solids from other facilities and land-applied or stored the mixed material at its facilities.

If approved, these petitions would allow the companies to manage mixed material that is currently stored at three facilities owned and operated by FMF in Lewis County as solid waste instead of hazardous waste, and dispose of the material in a permitted solid waste landfill.

### How does Ecology make its decision?

Delisting this waste is a two-step process.

First, the United States Environmental Protection Agency (EPA) must grant a petition through a formal Federal Register rulemaking. The EPA is currently holding a comment period on its decision

Visit <https://www.federalregister.gov>, Docket #: EPA-R10-RCRA-2019-0662 to comment on the EPA's decision.

Then, Ecology must also grant a petition by considering both the information required by the EPA and additional information that addresses separate state requirements Ecology proposes granting the petition, pending approval by EPA after publication in the Federal Register and any revisions that result from public comment. The proposed approval is conditional. As outlined in EPA's notice, Emerald and FMF must:

- Meet delisting levels.
- Conduct waste verification sampling.
- Meet data submittal requirements and other conditions.

## Commenting

Effective comments tell us if we correctly applied current laws, rules, and regulations to this action. They:

- Relate to the potential impacts from this action.
- Are focused.
- Refer to the conditions and requirements in the action.
- Are specific. Tell us what your concern is and how you think the action should change.
- Describe the state or federal rules and regulations you think have not be applied correctly.

At the written request of any interested person, Ecology may hold a conference to consider oral comments on the actions proposed in the petitions. To request a conference, contact:

Angie Fritz  
Industrial Section  
P.O. Box 47600  
Olympia, WA 98504-7600  
angela.fritz@ecy.wa.gov

You must state the issues to be raised and explain why written comments would not sufficiently communicate your views.

## Next Steps

After evaluating all public comments, Ecology will make a final decision in accordance with RCW 34.05.330 or 34.05.240. The department will either deny the petition in writing (stating its reasons for denial), or grant the petition and, when appropriate, initiate rule-making proceedings in accordance with RCW 34.05.330.

## Facility information

Emerald is a chemical manufacturing facility located at 1296 Third St. NW in Kalama. They use toluene as a raw material to produce chemicals used in the food, beverage, paint, and pharmaceutical industries to make flavorings, fragrances, preservatives, plasticizers, and other products.

FMF, located at 856 Burnt Ridge Road in Onalaska, operates receiving, storage, and land application facilities for solids from municipal, industrial, and private wastewater treatment facilities.

Se está llevando a cabo un periodo de comentario. Usted puede revisar y comentar sobre los borradores de los documentos del permiso. Estos describen los requisitos ambientales con los que debe cumplir una instalación industrial. Comuníquese con Angie Fritz al 360-407-7393 o [angela.fritz@ecy.wa.gov](mailto:angela.fritz@ecy.wa.gov) para obtener más información. Para información en Español, por favor envíe un correo electrónico a [preguntas@ecy.wa.gov](mailto:preguntas@ecy.wa.gov) o comuníquese con Gustavo Ordóñez al 360-407-6619.