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JOINT PUBLIC NOTICE

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION
NOTICE OF SEQ
POSITIVE DECLARATION, COMPLETION OF DRAFT ENVIRONMENTAL
IMPACT STATEMENT (DEIS), PUBLIC COMMENT PERIODS,
PUBLIC AVAILABILITY SESSION, PUBLIC HEARING and
PUBLIC SCOPING MEETING

- and -

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
NOTICE OF
PROPOSED CONDITIONAL APPROVAL OF TRIAL BURN

OCCIDENTAL CHEMICAL CORPORATION, NIAGARA FALLS, NEW YORK

This NOTICE is hereby given by the Department of Environmental Conservation ("Department") pursuant to Environmental Conservation Law (ECL), Article 8 (State Environmental Quality Review or "SEQ") and the implementing regulations in 6 NYCRR Part 617.

PROJECT DESCRIPTION

PROJECT: Occidental Chemical Corporation (OCC) has requested authorization to operate its existing liquid hazardous waste incineration facility (Incinerator) located at its plant on Buffalo Avenue in Niagara Falls, Niagara County, to incinerate certain OCC wastes from remedial programs including wastes containing dioxins, furans, mirex, polychlorinated biphenyls ("PCBs") and, in connection therewith, authorization to conduct trial burns required to confirm the effectiveness of its Incinerator. OCC's Incinerator has been operating and burning various other hazardous wastes (e.g., OCC process waste including chlorinated organics) since 1961 pursuant to applicable state and federal permits and authorizations. The Incinerator is not currently authorized to burn the remedial wastes described above. The details of the procedures necessary to be followed for OCC to obtain authorization to incinerate such remedial wastes are discussed in the proposed Stipulation and Order On Procedures Concerning Incineration of Hyde Park NAPL filed in the United States District Court for the Western District of New York on July 28, 1986 (Incinerator Stipulation).

PHASE I: The Department has determined that prior to final action on OCC's request to burn the remedial wastes described above, OCC must conduct trial burns to demonstrate the Incinerator's ability to destroy such wastes in a manner which satisfies all applicable statutory and regulatory requirements (including 6 NYCRR Parts 201 and 373) and is protective of human health and the environment. OCC has submitted for the Department's approval and proposes to carry out a TRIAL BURN PLAN at its Incinerator. Three trial burns would be conducted sequentially on the following hazardous wastes: (1) process waste; (2) remedial waste containing polychlorinated biphenyls (PCBs) and other chemicals; and (3) non-aqueous phase liquids (NAPL) containing dioxins, furans, PCBs and other chemicals from the firm's remedial systems at the Hyde Park landfill.

The first trial burn will be performed on process waste currently authorized to be incinerated at the facility. This trial burn is not subject to the SEQR Environmental Impact Statement process described below, since OCC is already permitted by the Department to burn this material and OCC is currently doing so. It will be performed, however, for the purpose of demonstrating that the incinerator can meet the current Air and Solid and Hazardous Waste regulatory standards including 6 NYCRR Parts 201 and 373 as part of the renewal of OCC's current permits. The primary reason that this trial burn is discussed in this Notice is to provide background information. Further references in this Notice to "Phase I" refer only to the second and third trial burns, and not to this first trial burn.

The second and third trial burns are proposed to be conducted to determine the Incinerator's ability to burn wastes containing PCBs, dioxins, furans and other chemicals in compliance with all statutory and regulatory requirements including 6 NYCRR Parts 201 and 373. The approval of both of these trial burns is subject to SEQR. The third trial burn on the NAPL which contains dioxins and furans will proceed only if the first two trial burns have been satisfactorily completed and the results meet the requirements of the regulations and aforementioned Incinerator Stipulation. OCC intends to use the data from the second and third trial burns in support of applications to be submitted in the future for permit modifications described in Phase II below. The second and third trial burns will each be a total of 24 hours duration consisting of several runs over several days. The Department has tentatively approved the technical portions of the TRIAL BURN PLAN pending the SEQR review process.

PHASE II: The OCC Incinerator has a certificate to operate an air contamination source pursuant to ECL Article 19 and 6 NYCRR Part 201 and a hazardous waste management facility permit pursuant to ECL Article 27 and 6 NYCRR Part 373 (formerly 360). OCC proposes to modify the firm's existing permits for the Incinerator described above to authorize the storage (including the addition of a storage tank), handling and incineration of certain OCC wastes generated

during remedial activities including those containing dioxin, furans, PCBs and mirex. These wastes would include the NAPL from the Hyde Park landfill. These wastes also would include wastes from remedial activities at OCC facilities in Tacoma, Washington and Taft, Louisiana which do not contain dioxins, furans or mirex. This action is subject to SEQR.

POSITIVE DECLARATION: NOTICE is hereby given that the Department, as lead agency, has determined that both the Phase I and Phase II proposed actions may have a significant impact on the environment and that a Draft Environmental Impact Statement (DEIS) is required for both Phase I and Phase II to address certain possible environmental impacts (see next section below).

NOTICE OF COMPLETION OF DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS) for Phase I (and Notice of Availability for Public Scoping Purposes of a preliminary DEIS for Phase II): NOTICE is hereby given that a DEIS for the Trial Burn Plan (Phase I) has been completed and the Department has accepted it for public comment and will hold a public hearing to receive comments from the public. The document also addresses the long-term incineration of remedial wastes including dioxins, furans, PCBs, and mirex (Phase II). The portions relating to Phase II are preliminary. It is the Department's intention to finalize at this time only those portions of the DEIS that relate to the TRIAL BURN PLAN (Phase I).

The Department will not finalize the Phase II portions of the DEIS at this time. Rather, it is the Department's intention to solicit public comment on the scope of the DEIS for Phase II at this time. A revised DEIS for Phase II will later be prepared incorporating information received from the public and the results from the Trial Burn Plan. The Department will then seek public comment and hold another public hearing on the revised DEIS for Phase II.

The DEIS provides an evaluation of the potential significant environmental and health impacts including those due to gaseous and particulate emissions, water discharges, potential incinerator system malfunctions, on-site waste spills and potential releases during transport.

SEQR PUBLIC PARTICIPATION

PUBLIC AVAILABILITY SESSION: The Department and EPA have scheduled an availability session on August 14, 1986 from 10 a.m. - 1 p.m. and 3 p.m. - 7 p.m. at the EPA Public Information Office, Carborundum Center, 345 Third Street, Room 530, Niagara Falls, New York. The purpose of the session is to answer questions that the public may have on the technical, environmental and procedural aspects of the

overall project; both Phase I and Phase II. Both Department and EPA staff will be available. No public filing is required to attend this session.

PUBLIC LEGISLATIVE HEARING: A SEQOR legislative hearing on the TRIAL BURN PLAN (Phase I) Draft EIS will be convened on August 20, 1986, at 2:00 p.m. and 7:00 p.m. at the NIAGARA FALLS CONVENTION CENTER THEATRE, 300 Fourth Street, Niagara Falls, New York. There will be a brief opening statement followed by the submission of either oral or written statements from the public. Speakers with lengthy statements are encouraged to orally summarize their position and to provide the text of their full statement in writing. It is not necessary to file in advance in order to speak at this hearing. A time limit for oral presentation may be imposed to insure all speakers an opportunity to make an oral statement.

PUBLIC SEQOR SCOPING MEETING: A Public Scoping Meeting on the preliminary DEIS for the long-term incineration of OCC wastes from remedial activities including those containing dioxin, furan, mirex and PCBs (Phase II) will be held on August 21, 1986, at 2:00 p.m. and 7:00 p.m. at the NIAGARA FALLS CONVENTION CENTER THEATRE, 300 Fourth Street, Niagara Falls, New York. Public scoping is the process by which the Department as lead agency together with the public identifies the significant issues to be addressed in the DEIS including, where possible, the content and level of detail of the analysis, the range of alternatives, the mitigation measures to minimize or eliminate adverse impacts, and the identification of non-relevant issues. This scoping session is intended to encourage early public awareness and participation in the development of the DEIS for Phase II. It is not necessary to file in advance to speak at this SEQOR Scoping Meeting.

WRITTEN COMMENTS: Written comments on the TRIAL BURN PLAN and the DEIS for Phase I are requested and will be received until September 2, 1986, by Robert S. Drew, Chief Administrative Law Judge, Office of Hearings, New York State Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001.

WRITTEN COMMENTS on the scope of a DEIS for the long-term incineration of remedial wastes including those containing dioxins, furans, PCBs and mirex (Phase II) will be received until October 22, 1986, by John Stallmer at the address for contact persons shown below.

AVAILABILITY OF DOCUMENTS: The DEIS, TRIAL BURN PLAN and the Incinerator Stipulation are available for inspection at the locations listed below. A limited number of copies of the reproducible portions of the documents can also be obtained from the contact

New York State Department of Environmental Conservation
Region 9
600 Delaware Avenue
Buffalo, New York 14202

and
Central Office
50 Wolf Road
Albany, New York 12233-0001

Earl Brydges Library
1425 Main Street
Niagara Falls, New York 14305

Niagara University Library
Lewiston Road
Niagara Falls, New York 14109

Paul Eismann
New York State Department of Environmental Conservation
Region 9
Division of Regulatory Affairs
600 Delaware Avenue
Buffalo, New York 14202
(716) 847-4551

John Stallmer
New York State Department of Environmental Conservation
Division of Regulatory Affairs
50 Wolf Road - Room 514
Albany, New York 12233-0001
(518) 457-2224

NOTICE is also hereby given that the U.S. Environmental Protection Agency (EPA) proposes to grant conditional approval of the aforementioned TRIAL BURN PLAN for the non-aqueous phase liquids (NAPL) trial burn, regulated under the Resource Conservation and Recovery Act (RCRA) and the Toxic Substances Control Act (TSCA), which is planned to be carried out by the Occidental Chemical Corporation

(OCC). The NAPL trial burn is the third and final trial burn in the OCC TRIAL BURN PLAN. This proposed approval is based on the condition that the first two trial burns in the TRIAL BURN PLAN have been satisfactorily completed, according to all applicable state and federal regulations and all stipulated requirements. The NAPL trial burn will involve wastes which contain dioxins, furans, non-dioxin hazardous wastes, and polychlorinated biphenyls. This conditional approval is being proposed pursuant to the authority of Title 40, Code of Federal Regulations, Part 270.62, regulations promulgated under RCRA, and under the authority of the rule entitled "Polychlorinated Biphenyls Manufacturing, Processing, Distribution in Commerce, and Use Prohibitions" (Title 40, Code of Federal Regulations, Part 761), written pursuant to Section 6(e)(i) of TSCA. On December 2, 1985, EPA gave Notice of a Proposed Authorization for the OCC to conduct the first and second trial burns in their TRIAL BURN PLAN. Since the time of that Notice, the NAPL TRIAL BURN PLAN sections have been finalized and EPA is now proposing to approve that PLAN, based on the condition that the first and second trial burns will have been satisfactorily completed prior to the NAPL trial burn. Public comments are being solicited as part of EPA's evaluation of OCC's NAPL TRIAL BURN PLAN. Comments must be submitted no later than September 2, 1986.

PUBLIC COMMENTS on the EPA notice may be directed to:

Conrad Simon, Director
Air & Waste Management Division
U.S. Environmental Protection Agency
Region II
26 Federal Plaza
New York, New York 10278

EPA's responsiveness summary on the public comments that were received as a result of the December 2, 1985, Notice of a Proposed Authorization is also available for inspection at the EPA Region II Public Information Center, 345 Third Street, Room 530, Niagara Falls, New York and at the New York State Department of Environmental Conservation's Region 9 Headquarters, Buffalo at the above referenced address. A copy of EPA's responsiveness summary is available upon written request to:

Dr. Richard A. Baker
Permits Administration Branch
U.S. Environmental Protection Agency
Region II
26 Federal Plaza - Room 432
New York, New York 10278

ALBANY, NEW YORK
July 30, 1986

ROBERT S. DREW
CHIEF ADMINISTRATIVE LAW JUDGE