

RESPONSIVENESS SUMMARY

**RESPONSIVENESS SUMMARY
ETHYL CORPORATION
LAD 079 460 895
AGENCY INTEREST # 3085
BATON ROUGE, LOUISIANA**

Item: 1

Reference: Quoted from August 11, 2008 comments from Ethyl Corporation (Ethyl)

Issue: Body of the Permit, Condition V.A., Post Closure Care Period

Comment: Condition V.A. in the Post Closure Care Period Conditions reads as follows:

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, Length of Post-Closure.

V.A.1 Area D-1 Landfill: Certified closed on 11/1/1991, verified 4/15/1993

V.A.2. Area D-2 Landfill: Certified closed on 11/1/1991, verified 4/15/1993

V.A.3. Surface Impoundment T-2: Certified closed on 11/1/1991, verified 4/15/1993

V.A.4. Surface Impoundment T-3: Certified closed on 11/1/1991, verified 4/15/1993

V.A.5. Surface Impoundment T-4: Certified closed on 11/1/1991, verified 4/15/1993

V.A.6. Area D-3 Landfill: Certified closed on 11/1/1991, verified 4/15/1993

V.A.7. Surface Impoundment T-1: Certified closed on 2/1/1989, verified via inclusion on the Post-Closure Permit issued on 8/28/1995

V.A.8. Surface Impoundment T-5: Certified closed on 1/7/1998, verified on 3/1/1999

V.A.9. Surface Impoundment T-6: Certified closed on 4/1/1990, verified on 5/6/2008

V.A.10. Surface Impoundment T-7: Certified closed on 4/1/1990, verified on 5/6/2008

V.A.11. Surface Impoundment T-8: Certified closed on 4/1/1990, verified on 5/6/2008

V.A.12. Container Storage Area S-1: Certified closed on 5/25/1989, verified on 9/7/1989

V.A.13. Container Storage Area S-2: Certified closed on 3/26/1986, verified 4/18/2008

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Ethyl has researched these dates and believes that the actual dates when the permitted units' post closure care began were as follows:

Unit	Closure Certification Date	Activity	Post Closure Care begins
S-1	4/86	Removed	N/A
S-2	4/86	Removed	N/A
D-1	4/86	In-place Closure	4/86
D-2	11/91	In-place Closure	8/92
D-3	4/86	In-place Closure	4/86
T-1	5/90	Removed	N/A
T-2	11/91	In-place Closure	8/92
T-3	11/91	In-place Closure	8/92
T-4	11/91	In-place Closure	8/92
T-5	1/98	Removed	N/A
T-6, T-7, & T-8	8/92	Removed	N/A

Also as part of Item 1, Ethyl has reiterated its contention that Impoundments T-1, T-6, T-7, and T-8 were removed and no post closure care should be required for these impoundments.

**LDEQ
Response:**

The Department acknowledges this comment, and provides the following response for clarification. The first part of Item 1 deals with the beginning dates of the permitted units' Post Closure Care. The dates given in Condition V.A. of the Permit are actually those upon which each unit's closure was verified through documentation put forth by the Administrative Authority. This stipulation can be seen by referring to LAC 33:V.3517.A., which states:

Documentation supporting the independent registered engineer's certification must be furnished to the Administrative Authority upon request until he releases the owner or operator from the financial assurance requirements for closure under LAC 33:V. 3707

In other words, the Administrative Authority is responsible for releasing an owner/operator from closure requirements, i.e. formally verifying a closure. For this reason, only the dates of Louisiana Department of Environmental Quality (LDEQ) documents that were used to formally verify the units' closures can be used to mark the unit closures' verifications.

It should also be noted that the language used in Condition V.A. only lists the dates each unit closure was formally verified. For the intents and purposes of this Standard Hazardous Waste Post Closure Permit, Post Closure care will be conducted in accordance with the terms and conditions therein. This includes a Permit effective period. Details of any subsequent renewal (i.e., further Post Closure care) will be addressed as the conclusion of the effective period approaches.

The second part of Item 1 deals with the specific details of the unit closures for Impoundments

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T-1, T-6, T-7, and T-8. The Department acknowledges the Ethyl's contention that these units have been removed and should require no post closure care. However, none of the documentation of these units' closures submitted to this point demonstrates that clean closures have occurred. In order to exempt Impoundments T-1, T-6, T-7, and T-8 from Post Closure Care, Ethyl must address the standards for clean closure found in LAC 33:VII.713.E.3.b.

Action: N/A

Item: 2

Reference: Quoted from August 11, 2008 comments from Ethyl Corporation (Ethyl)

Issue: Body of the Permit, Condition III.A.2.

Comment: Page 17, Section III.A.2. Ethyl request to change "manage" to "dispose of" in case of emergency or the waste becomes a viable product.

LDEQ Response: The Department acknowledges your comment.

Action: The permit will be revised.

Item: 3

Reference: Quoted from August 11, 2008 comments from Ethyl Corporation (Ethyl)

Issue: Fact Sheet, correction on Section IV

Comment: Ethyl notes that this section of the Fact Sheet should read that the property is comprised of 193 acres and not "139" as was erroneously printed.

LDEQ Response: The Department acknowledges and concurs with your comment.

Action: The correction will remain noted in this Responsiveness Summary.

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Item: 4

Reference: Quoted from August 11, 2008 comments from Ethyl Corporation (Ethyl)

Issue: Body of the Permit, Pages 5 and 11

Comment: Units T-6, T-7, and T-8 are not a part of Landfill D-2. These units were clean closed. However, Ethyl had previously agreed to monitor for 30 years...

LDEQ Response: The Department acknowledges and concurs with your comment. The closed surface impoundments (T-6, T-7, and T-8) themselves were never a part of or adjacent to Landfill D-2. However, various submittals detailing the closures of T-6, T-7, and T-8 explain that wastes removed from those impoundments were disposed in Landfill D-2.

Action: Page 5 of the permit will be revised to read "waste from" instead of merely "includes." No revisions made to Page 11.

Item: 5

Reference: Quoted from August 11, 2008 comments from Ethyl Corporation (Ethyl)

Issue: Post Closure, General

Comment: Post Closure Permit for all units began at the initial issuance of the post closure permit on August 8, 1995 and will continue for a period of 30 years.

LDEQ Response: The Department acknowledges your comment but does not concur. The original Post Closure Permit for all units actually began on August 28, 1995. However, it was effective for a maximum period of ten years from the August 28, 1995 effective date. This information can be found on Page 2 of Permit Number LAD079460895-PC-1, EDMS document ID number 5347177

Action: N/A