



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590



AUG 09 1993

REPLY TO THE ATTENTION OF:

HRE-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Occidental Chemical Corporation
J. Alan Mack, Esq.
Associate General Counsel
Occidental Chemical Corporation
Occidental Tower
P.O. Box 809050
Dallas, Texas 75380

RE: RCRA Section 3008(h) Order
Docket No: RCRA VW-009-93
Occidental Chemical Corporation
Montague, Michigan
U.S. EPA ID No.: MID 006 014 906

Dear Mr. Mack:

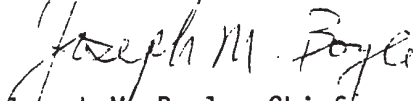
This letter serves to transmit a fully-executed copy of the enclosed Amendment to the above-referenced Administrative Order. This Amendment incorporates the newly-issued May 1993, revised model Quality Assurance Project Plan (QAPjP) into the Order, requires that copies of deliverables be sent to the State of Michigan, and corrects typographical errors.

As you know, the pre-QAPjP meeting was held on October 6, 1992, with a follow up conference call on July 1, 1993. United States Environmental Protection Agency thus considers the Attachment 2 requirement for a pre-QAPjP meeting to be satisfied and has deleted the relevant language.

Except for the QAPjP, all other deliverables, associated schedules and the effective date of the Order (April 29, 1993) remain unaffected. Also, please

note that no new objection or hearing procedures are afforded. Please call Felipe Gomez at (312) 886-6833 if you have any questions.

Sincerely yours,

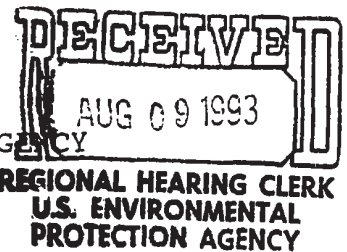

Joseph M. Boyle, Chief
RCRA Enforcement Branch

Enclosure

cc: Keith S. Watson, Esq.
Piper and Marbury
1200 Nineteenth Street, N.W.
Washington, DC 20036-2430

Liane Shekter Smith, MDNR

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION V



IN THE MATTER OF:)
)
Occidental Chemical Company) AMENDMENT TO UNILATERAL
Old Channel Trail Road) ADMINISTRATIVE ORDER
Montague, Michigan)
) EPA Docket No: RCRA V-W-009-93
U.S. EPA I.D. No.:)
MID 006 014 906) Proceeding under
) Section 3008(h) of
) the Resource Conservation and
) Recovery Act of 1976, as
) amended,
) 42 U.S.C. Section 6928(h).

AMENDMENT

Pursuant to Section XX of the above-referenced Unilateral Administrative Order issued March 24, 1993 (effective April 29, 1993), the U.S. EPA hereby amends the Order in order to incorporate the newly-issued U.S. EPA May 1993 revised model Quality Assurance Project Plan (QAPjP) into the Order, to require that copies of deliverables be sent to the State of Michigan, and to correct typographical errors:

- Section IV, paragraph F.(20) (p31): The list of "SWMUs", Areas 30 through 39, is amended to insert proper spacing after "37" and "39" such that it reads in relevant part:

Area 30 - 37 8 underground Injection Wells

Area 38 - 39 2 Plugged Disposal Wells

- Section VI, paragraph D.6 (p52), is amended such that a second sentence is added which reads:

"An additional two (2) copies of all documents, including Workplans, draft and final reports, progress reports, and other correspondence to be submitted pursuant to this Order shall be hand delivered or sent by certified mail, return receipt requested, to the Michigan Department of Natural Resources, Hazardous Waste Permits Section, P.O. Box 30241, Lansing, Michigan 48909; Attention: Liane Shekter Smith."

- Section XIII is amended such that a second sentence is added which reads:

Two copies of all documents to be submitted to the MDNR shall be sent to:

Ms. Liane Shekter Smith
Michigan Department of Natural Resources
Hazardous Waste Permits Section
608 West Allegan
P.O. Box 30241
Lansing, Michigan 48909

- Section XX, paragraph B, second sentence (p63), is amended such that the word "stipulated" is deleted and replaced with "statutory."
- Section XXIV, first paragraph, is amended such that the first four sentences are deleted and are replaced by the following two paragraphs:
 - A. The provisions of this Order shall be deemed satisfied upon Respondent's receipt of written notice from U.S. EPA, in the form of a fully executed "Acknowledgement of Termination and Agreement to Record Preservation and Reservation of Rights" ("Acknowledgement"), that Respondent has demonstrated to the satisfaction of U.S. EPA that the terms of this Order, including any additional tasks determined by U.S. EPA to be required pursuant to this Order, have been satisfactorily completed, and that any continuing obligation or promises (e.g., Record Retention, Reservation of Rights) will be satisfactorily performed.
 - B. When Respondent believes it has satisfied the terms of this Order, Respondent shall submit written notice to EPA. Upon receipt of this notice, EPA will prepare duplicate original Acknowledgements for Respondent's signature and forward such to Respondent. Respondent shall timely execute the Acknowledgements and return the two (2) original copies of the form to EPA for EPA's execution.
- Attachment 2, Task III, paragraph B. (p8 of 30), is amended such that the second sentence reads "The QAPjP shall be prepared in accordance with Attachment 6".
- Attachment 2, Task III, paragraph B. (p8 of 30), is amended such that the last two sentences which require a pre-QAPjP meeting are deleted.
- The EPA May 1993 revised model QAPjP is made part of the Order as "Attachment 6".


- The schedule for submission of Task III.B (QAPjP), only, is modified such that a draft QAPjP is now due to the EPA within forty-five (45) days of the effective date of this Amendment. A revised QAPjP will then be due within thirty (30) days of receipt of EPA comments on the draft QAPjP. The original schedule remains unchanged for RFI Tasks I, II, all other portions of Task III other than the QAPjP, and the remainder of the Order. The Facility Submission Summary in Attachment II is hereby modified to reflect these changes.

* * *

EFFECTIVE DATE

This Amendment has as its effective date the date of EPA signature below and is hereby deemed final and is incorporated into the Order. All other portions of the Order remain unaffected by this Amendment and continue in full force and effect as of the date the Order became final (April 29, 1993). Copies of the Amended Attachments are attached to this Amendment.

IT IS SO ORDERED:


William E. Muno, Director
Waste Management Division
U.S. Environmental Protection Agency
Region V

8/4/93
Date

IN THE MATTER OF:

Occidental Chemical Company
Montague, Michigan
EPA I.D. No MID 006 014 906
RCRA ADMINISTRATIVE ORDER AMENDMENT
Docket No. RCRA V-W-009-93

Attachments

CERTIFICATE OF SERVICE

I hereby certify that the original of this AMENDMENT was filed with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5, on the date below, and that a true and accurate copy was mailed on the date below, U.S. Mail certified-return receipt requested, postage prepaid at Chicago, IL., to:

Occidental Chemical Corporation
J. Alan Mack, Esq.
Associate General Counsel
Occidental Chemical Corporation
Occidental Tower
P.O. Box 809050
Dallas, TX 75380

8-5-93

Date

Amita M. Perry

On behalf of Complainant