Oregon Department of Environmental Quality
Aug. 15, 2018

Notice of Proposed Rulemaking

Selmet Delisting 2018

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Introduction

The Oregon Department of Environmental Quality invites public input on proposed permanent rule amendments to Chapter 340 of the Oregon Administrative Rules.

Background

Selmet Inc., located in Albany, Oregon, performs chemical etching and milling in manufacturing titanium alloy castings and machined parts. The U.S. Environmental Protection Agency defines chemical etching and milling as an electroplating process such that waste from the process is within the scope of the F006 hazardous waste listing. Historically, Selmet managed chemical etching and milling sludge as a non-hazardous industrial waste at a non-hazardous waste Subtitle D landfill. However, in 2017, due to an updated review of chemical etching and milling operations at titanium-casting facilities in Oregon, DEQ notified Selmet that it should handle its chemical etching and milling sludge as F006 listed hazardous waste.

EPA authorizes the state of Oregon to manage its hazardous waste, or Resource Conservation and Recovery Act, program. EPA also authorizes Oregon to stop categorizing specific substances as hazardous waste in Oregon when specified conditions are met. This process is called "delisting." Under Oregon Administrative Rules 340-100-0020 and 340-100-0022, Selmet has petitioned DEQ to exempt the etching and milling sludge from being classified as hazardous waste.

DEQ proposal

DEQ proposes amending Oregon's hazardous waste regulations in chapter 340, division 101, of the Oregon Administrative Rules. The change will incorporate the delisting of Selmet's F006 hazardous waste. DEQ is taking this action under the following authorities:

- 50 Federal Register 52629, Oct. 10, 1995 (EPA authority for Oregon to operate hazardous waste program)
- 40 C.F.R. sections 260.20 and 260.22 (authority for petitions to delist a substance), incorporated by reference in OAR 340-100-0020, -0022
- Oregon Revised Statute 466.075(3) (authority to exempt substances from hazardous waste requirements)
- OAR 340-100-0020, -0022 (authority to petition for exclusion)

A petitioner who wants DEQ to delist a hazardous waste must comply with 40 C.F.R. sections 260.20 and 260.22, incorporated by reference in OAR 340-100-0020, -0022. To summarize, the petition must show the waste does not contain the constituents for which EPA originally listed the waste in concentrations above risk-based standards. This is done using EPA's Delisting Risk Assessment Software. The risk-based evaluation must also determine that factors, including additional constituents other than those for which the waste

was listed, do not warrant retaining the waste as a hazardous waste. In addition, the waste must not be a characteristic hazardous waste (e.g., ignitable, reactive, etc.).

In May 2018, Selmet petitioned DEQ to exclude chemical etching and milling sludge from the F006 listing. This delisting petition includes chemical-etching and milling sludge generated by Selmet's current process, as well as sludge that Selmet historically accumulated in its on-site evaporation pond.

The hazardous waste constituents for which the EPA lists F006 sludge are cadmium, hexavalent chromium, nickel and complexed cyanide. Before submitting the delisting petition, Selmet worked with DEQ to develop a sampling and analysis plan to accurately characterize Selmet's chemical-etching and milling operations and historically accumulated sludge. DEQ provides additional details about Selmet's sampling and analysis process in the attached Delisting Project Memorandum.

After reviewing Selmet's sampling and analysis results and taking the above analysis into consideration, DEQ determined it is not necessary for Selmet to manage its chemical-etching and milling sludge as hazardous waste. DEQ therefore proposes granting Selmet's petition. DEQ proposes the Environmental Quality Commission adopt the proposed rule amendments to delist Selmet's chemical-etching and milling process waste.

Who does this affect?

This proposal affects only Selmet and is specific to the waste generated by Selmet's Albany facility.

More information

Information about this rulemaking is on this rulemaking's webpage: Delisting Rulemaking.

Public Hearing

DEQ will hold a public hearing on this rulemaking as follows:

- 6 p.m., Monday, Sept. 17, 2018
- Linn-Benton Community College, Vineyard Mt Room CC213
- 6500 Southwest Pacific Blvd., Albany, OR 97321
- Teleconference call-in phone number: 888-363-4734
- Teleconference call Participant ID: 1910322
- Teleconference and Webinar instructions: Teleconference/Webinar Instructions

What will happen next?

DEQ will include a written response to comments in a staff report submitted to EQC. DEQ may modify the rule proposal based on comments received.

Present proposal to the EQC

Proposed rules only become effective if the EQC adopts them. DEQ plans to present the proposed rules to the commission for a decision at its meeting in November 2018.

How to comment on this rulemaking proposal

DEQ is asking for public comment on the proposed rules. Anyone can submit comments and questions about this rulemaking. A person can submit comments through an online webpage, by mail, or at the public hearing.

Comment deadline

DEQ will only consider comments on the proposed rules that DEQ receives by 4 p.m. on Friday, Sept. 21, 2018.

Submit comment online

LINK TO RULEMAKING COMMENT PAGE: Delisting Rulemaking Comment Page

Note for public university students

ORS 192.501(29) allows Oregon public university and Oregon Health & Science University students to protect their university email addresses from disclosure under Oregon's public records law. If you are such a student, you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Eileen Naples
700 NE Multnomah Street, Suite 600
Portland, OR 97232-1400

At hearing

6 p.m., Monday, September 17, 2018
Linn-Benton Community College
Vineyard Mt Room CC213
6500 Southwest Pacific Blvd.
Albany, OR 97321

Sign up for rulemaking notices

Get email updates about future DEQ rulemaking by signing up through this link: DEQ GovDelivery Notices for Hazardous Waste, or on the rulemaking web site.

Accessibility information

You may review copies of all documents referenced in this announcement at:

Oregon Department of Environmental Quality
700 NE Multnomah Street, Suite 600
Portland, OR, 97232-1400

To schedule a review of all websites and documents referenced in this announcement, call Eileen Naples, Portland, at 503-229-6742 (800-452-4011, ext. 5622 toll-free in Oregon).

Please notify DEQ of any special physical or language accommodations or if you need information in large print, Braille or another format. To make these arrangements, contact DEQ, Portland, at 503-229-5696 or call toll-free in Oregon at 1-800-452-4011, ext. 5696; fax to 503-229-6762; or email to deqinfo@deq.state.or.us. Hearing impaired persons may call 711.

Soliciting public comment

Request for other options

During the public comment period, DEQ requests public comment on whether to consider other options for achieving the rules' substantive goals while reducing the rules' negative economic impact on business.

Statement of need

What need would the proposed rule address?

Selmet is currently managing its chemical-etching and milling sludge as F006 listed hazardous waste. It is very costly for Selmet to manage the waste in this way.

How would the proposed rule address the need?

Selmet would be able to manage chemical etching and milling sludge as non-hazardous industrial waste, significantly reducing their management and disposal costs. The waste can be safely managed in a Subtitle D landfill.

How will DEQ know the rule addressed the need?

DEQ will know when Selmet no longer manages the chemical-etching and milling sludge as hazardous wastes because it will no longer list the waste on its annual hazardous waste management report.

Rules affected, authorities, supporting documents

Lead division

Land Quality

Program or activity

Hazardous Waste Program

Chapter 340 action

Amend

OAR 340-101-0004

Statutory authority

ORS 466.020 and 466.180

Statute implemented

ORS 466.015 and 466.195

Documents relied on for rulemaking

Document title	Document location
Delisting Petition #DP-2018-001(a) & DP-2018-001(b)	DEQ-HQ-HW Program 700 NE Multnomah Street, Suite 600 Portland, OR 97232-1400
Delisting Project Memorandum, June 26, 2018	Attached to this notice

Fee Analysis

This rulemaking does not involve fees.

Statement of fiscal and economic impact

Fiscal and Economic Impact

The only negative fiscal impacts from this rulemaking will affect DEQ. Following delisting, Selmet will no longer be required to pay hazardous waste management fees to DEQ in association with the F006 listed hazardous waste. However, DEQ will continue inspection and provide compliance assistance.

Selmet will receive positive fiscal benefits. Since November 2017, Selmet has managed its chemical-etching and milling sludge as a F006 hazardous waste at an approximate monthly cost of $25,000. If the EQC adopts the proposed rule amendments, Selmet will reduce its costs in handling and disposal of the materials that are the subject of this rulemaking.

Statement of Cost of Compliance

State agencies

The proposed rule will reduce revenue for DEQ's hazardous waste program. DEQ will no longer require the specific facility these rules affect to pay fees for hazardous waste disposal. In addition, DEQ will receive less fee revenue from the treatment, storage and disposal facility that is currently receiving the hazardous waste.

Local governments

DEQ anticipates there will be no fiscal or economic impact to local governments, as the rule impacts only one site-specific facility.

Public

DEQ anticipates there will be no fiscal or economic impact to the general public.

Large businesses - businesses with more than 50 employees

DEQ anticipates there will be a fiscal or economic impact to one large business that currently receives the F006 hazardous waste for disposal. DEQ is unable to quantify this impact. DEQ has not finalized the 2017 annual hazardous waste generation reporting. DEQ anticipates this will be almost complete by end of October 2018. If EQC adopts the proposed rule amendments, Selmet will reduce its costs in handling and disposal of the materials that are the subject of this rulemaking.

Small businesses – businesses with 50 or fewer employees

a. Estimated number of small businesses and types of businesses and industries with small businesses subject to proposed rule.

DEQ anticipates there will not be adverse impacts on small businesses.

b. Projected reporting, recordkeeping and other administrative activities, including costs of professional services, required for small businesses to comply with the proposed rule.

These rule changes will not require any additional reporting, recordkeeping or other administrative activities.

c. Projected equipment, supplies, labor and increased administration required for small businesses to comply with the proposed rule.

No additional equipment, supplies or labor will be required to comply with these rules.

d. Describe how DEQ involved small businesses in developing this proposed rule.

DEQ did not involve small businesses in developing these proposed rules because the rules do not affect small businesses.

Documents relied on for fiscal and economic impact

Document title	Document location
Delisting Petition #DP-2018-001(a) & DP-2018-001(b)	DEQ-HQ-HW Program 700 NE Multnomah Street, Suite 600 Portland, OR 97232-1400

Advisory committee

DEQ did not convene an advisory committee. The proposed rulemaking affects only one specific facility, does not affect any small businesses or the general public, and only has a fiscal impact on DEQ and the petitioner. There will be a public hearing and public comment period to gather public comments on the rulemaking.

Housing cost

As Oregon Revised Statute 183.534 requires, DEQ evaluated whether the proposed rules would have an effect on the development cost of a 6,000-square-foot parcel and construction of a 1,200-square-foot detached, single-family dwelling on that parcel. DEQ determined the proposed rules would have no effect on the development costs because the proposed rules do not have any bearing on housing.

Federal relationship

Relationship to federal requirements

ORS 183.332, 468A.327, and OAR 340-011-0029 require DEQ to attempt to adopt rules that correspond with existing equivalent federal laws and rules unless there are reasons not to do so.

In this case, there is no comparable federal requirement. The proposed rule amendments are not in addition to or different from federal requirements.

Under the state and federal rules cited above, the EPA authorizes DEQ to operate Oregon's hazardous waste program. The EPA also authorizes Oregon to exempt substances from being classified as F006 listed hazardous substances in Oregon if a petitioner meets the requirements stated in the state and federal rules listed above. This action is consistent with, and DEQ is taking it, under the authority of, federal rules.

Land use

Land-use considerations

In adopting new or amended rules, Oregon Revised Statute 197.180 and Oregon Administrative Rule 340-018-0070 require DEQ to determine whether the proposed rules significantly affect land use. If so, DEQ must explain how the proposed rules comply with statewide land-use planning goals and local acknowledged comprehensive plans.

Under Oregon Administrative Rule 660-030-0005 and 340, division 18, DEQ considers that rules affect land use if:

- The statewide land use planning goals specifically refer to the rule or program, or
- The rule or program is reasonably expected to have significant effects on:
    - Resources, objectives or areas identified in the statewide planning goals, or
    - Present or future land uses identified in acknowledged comprehensive plans

DEQ determined whether the proposed rules involve programs or actions that affect land use by reviewing its Statewide Agency Coordination plan. This plan describes the DEQ programs that

DEQ determined significantly affect land use. DEQ considers that its programs specifically relate to the following statewide goals:

Goal	Title
5	Open Spaces, Scenic and Historic Areas, and Natural Resources
6	Air, Water and Land Resources Quality
9	Ocean Resources
11	Public Facilities and Services
16	Estuarial Resources

Statewide goals also specifically reference the following DEQ programs:

- Nonpoint source discharge water quality program – Goal 16
- Water quality and sewage disposal systems – Goal 16
- Water quality permits and oil spill regulations – Goal 19

Determination

DEQ determined that these proposed rules do not affect land use under Oregon Administrative Rule 340-018-0030 or DEQ's State Agency Coordination Program.

Stakeholder and public involvement

Advisory committee

DEQ did not convene an advisory committee. The proposed rulemaking affects only one specific facility, does not affect any small businesses or the general public, and only has a fiscal impact on DEQ and the petitioner. There will be a public hearing to gather public comments on the rulemaking.

Public notice and hearings

Public notice

DEQ provided notice of the proposed rulemaking and rulemaking hearing on Aug. 15, 2018 by:

- Filing notice with Oregon Secretary of State for publication in the September 2018 Oregon Bulletin
- Notifying EPA
- Posting the Notice on the web page for this rulemaking, located at: Delisting Rulemaking Web Page
- Emailing 10,633 interested parties on the following DEQ lists through GovDelivery:
    - Rulemaking

    - Hazardous Waste
- Emailing the following key legislators required under Oregon Revised Statute 183.335:
    - Senator Michael Dembrow, Chair, Senate Interim Committee on Environment and Natural Resources
    - Representative Ken Helm, Chair, House Interim Committee on Energy and Environment
    - Senator Sara Gelser
    - Representative Andy Olson
- Postings on Twitter and Facebook
- Posting on the DEQ event calendar: DEQ Calendar
- Publishing notice in the following newspaper:
    - *The Albany Democrat Herald*

Public hearings

DEQ plans to hold one public hearing. The details are listed below. Anyone can attend a hearing in person or by teleconference.

DEQ will consider all comments received at the hearings before completing the draft rules. DEQ will summarize all comments and respond to comments in the EQC staff report.

Hearing	
Date	Sept. 17, 2018
Time	6 p.m.
Street Address	Linn-Benton Community College Vineyard Mountain Room CC213 6500 Southwest Pacific Blvd
City	Albany
Presiding Officer	Eileen Naples
Staff Presenter	Dan Lobato/Seth Sadofsky
Call-in Phone Number	888-363-4734
Participant ID	1910322
Instructions on how to access teleconference	Teleconference Instructions

How to comment on the proposed rules:

Submit comment online

LINK TO RULEMAKING COMMENT PAGE: Delisting Rulemaking Public Comment Page

Note for public university students:

ORS 192.501(29) allows Oregon public university and OHSU students to protect their university email addresses from disclosure under Oregon's public records law. If you are such a student you may omit your email address when you complete the online form to submit a comment.

By mail

Oregon DEQ
Attn: Eileen Naples
700 NE Multnomah St. Ste. 600
Portland, OR 97232-1400

At the hearing

See hearing information above.

Close of public comment period

DEQ will close the comment period at 4 p.m. on Wednesday, Sept. 21, 2018.

Accessibility Information

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Oregon Department of Environmental Quality
700 NE Multnomah St., Ste. 600
Portland, OR, 97232-1400

To schedule a review of all websites and documents referenced in this announcement, call Eileen Naples, Portland, at 503-229-6742 (800-452-4011, ext. 5622 toll-free in Oregon).

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Draft Rules - With Edits Highlighted

340-101-0004
Exclusions(1) Residue described in 40 C.F.R. § 261.4(b)(9) is exempted from divisions 100-106 and 109.

(2) Dry cleaning wastewater subject to the requirements in OAR 340 division 124 is not excluded under 40 C.F.R. §§ 261.4(a)(1)(i) and (ii).

(3) The phrase "or labeled with equivalent wording describing the contents of the container and recognizing the exclusion" is added to the end of the first sentence in 40 C.F.R. § 261.4(a)(26)(i) and 40 C.F.R. § 261.4(b)(18)(i).

(4) The phrase "To a municipal solid waste landfill regulated under 40 C.F.R. part 258, including 40 C.F.R. § 258.40, or" is deleted from 40 C.F.R. § 261.4(b)(18)(vi)(A).

(5) The phrase "To a municipal waste combustor or other combustion facility regulated under section 129 of the Clean Air Act or" in 40 C.F.R. 261.4(b)(18)(vi)(B) is deleted.

(6) The following wastes are excluded under OAR 340-100-0020 and 340-100-0022:

(a) Wastewater treatment sludge, EPA Hazardous Waste No. F006, generated at Selmet, Inc., Albany, Oregon, and contained in an on-site surface impoundment, as described in the delisting petition Selmet, Inc. provided on May 22, 2018. This is a one-time exclusion.

(b) Wastewater treatment sludge, EPA Hazardous Waste No. F006, generated at Selmet, Inc., Albany, Oregon, as described in the delisting petition Selmet, Inc. provided on May 22, 2018. The exemption is limited to a maximum annual rate of 3120 cubic yards per year. Selmet must have the sludge disposed of in a Subtitle D landfill the department licenses, permits, or otherwise authorizes to accept the delisted wastewater treatment sludge.

(c) The exemption described in paragraph 6(b) of this rule remains in effect only as long as Selmet meets the following conditions:

(A) Delisting Levels: The constituent concentrations measured in a leachate extract may not exceed the following concentrations (mg/l): cadmium-0.2; chromium-4.9; nickel-32.7; cyanide-7.5 and fluoride-94.8.

(B) Annual Verification Testing: To verify that the waste does not exceed the specified delisting concentrations, Selmet, Inc. must collect and analyze one waste sample annually using methods with appropriate detection concentrations and elements of quality control. Selmet may use a total analysis of the waste to estimate the Toxicity Characteristic Leaching Procedure concentration as provided for in section 1.2 of Method 1311.

(d) Changes in Operation Conditions:

(A) If Selmet, Inc., significantly changes the manufacturing process or the chemicals used in the manufacturing process, or both, Selmet must notify the department not more than 30 days after making the change.

(B) Selmet, Inc. must handle the wastes generated after the process change as hazardous until the department notifies Selmet in writing the department has determined the wastes continue to meet the delisting concentrations in subparagraph (6)(c)(A), that Selmet has demonstrated that no new hazardous constituents listed in appendix VIII of 40 CFR part 261 have been introduced, and that the department approves Selmet's not handling the wastes as hazardous.

(e) Data Submittals: Selmet, Inc. must submit the data obtained through verification testing, or as required by other conditions of this rule, to the department. Selmet must submit the annual verification data and certification of proper disposal on the anniversary of the effective date of this exclusion. Selmet, Inc. must compile, summarize, and maintain on site, for a minimum of five years, records of operating conditions and analytical data. Selmet, Inc. must make these records available to the department for inspection. Selmet, Inc. must submit with all data a signed copy of the certification statement described in 40 C.F.R. § 260.22(i)(12).

(f) Reopener Language:

(A) If, at any time after the delisted waste is disposed of, Selmet, Inc., possesses, or is otherwise made aware of, any data, including but not limited to leachate data, about the delisted waste, indicating that any constituent is at a concentration in the leachate higher than the specified delisting concentration in subparagraph 6(c)(A), then Selmet, Inc., must report such data, in writing, to the department, within 10 days of first possessing or being made aware of that data.

(B) Based on the information described in subsections (6)(d) and 6(e), and any other information received from any source, the department will make a preliminary determination as to whether the reported information requires department action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.

(C) If the department determines that the reported information does require department action, the department will notify Selmet, Inc. in writing, of the actions the department believes are necessary to protect human health and the environment. The notice will include a statement of the proposed action and a statement providing Selmet, Inc. with an opportunity to present information as to why the proposed department action is not necessary or to suggest an alternative action. Selmet, Inc. must provide to the department in writing its information in response to the notice within 30 days from the date the department mails its notice requesting the information.

(D) The department will issue a final written determination. The department may issue the determination at the later of either 30 days after it mailed notice to Selmet, if Selmet presented no additional information during that interval, or after reviewing any information Selmet submitted during the 30-day interval. The written determination will describe the department actions that are necessary to protect human health and the environment. Any required action described in the department's determination is effective immediately, unless the department provides otherwise.

Statutory/Other Authority: ORS 192, 465.009, 466.015, 466.020, 466.075, 466.090, 466.180, 468.020 & 646
Statutes/Other Implemented: ORS 466.015, 466.075 & 466.195
History:
DEQ 5-2017, f. & cert. ef. 7-12-17
DEQ 7-1984, f. & ef. 4-26-84; Superseded by DEQ 8-1985; DEQ 8-1985, f. & ef. 7-25-85; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

Draft Rules – With Edits Incorporated

Division 101

IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

340-101-0004
Exclusions

(1) Residue described in 40 C.F.R. § 261.4(b)(9) is exempted from divisions 100-106 and 109.

(2) Dry cleaning wastewater subject to the requirements in OAR 340 division 124 is not excluded under 40 C.F.R. §§ 261.4(a)(1)(i) and (ii).

(3) The phrase "or labeled with equivalent wording describing the contents of the container and recognizing the exclusion" is added to the end of the first sentence in 40 C.F.R. § 261.4(a)(26)(i) and 40 C.F.R. § 261.4(b)(18)(i).

(4) The phrase "To a municipal solid waste landfill regulated under 40 C.F.R. part 258, including 40 C.F.R. § 258.40, or" is deleted from 40 C.F.R. § 261.4(b)(18)(vi)(A).

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(B) Annual Verification Testing: To verify that the waste does not exceed the specified delisting concentrations, Selmet, Inc. must collect and analyze one waste sample annually using methods with appropriate detection concentrations and elements of quality control. Selmet may use a total analysis of the waste to estimate the Toxicity Characteristic Leaching Procedure concentration as provided for in section 1.2 of Method 1311.

(d) Changes in Operation Conditions:

(A) If Selmet, Inc., significantly changes the manufacturing process or the chemicals used in the manufacturing process, or both, Selmet must notify the department not more than 30 days after making the change.

(B) Selmet, Inc. must handle the wastes generated after the process change as hazardous until the department notifies Selmet in writing the department has determined the wastes continue to meet the delisting concentrations in subparagraph (6)(c)(A), that Selmet has demonstrated that no new hazardous constituents listed in appendix VIII of 40 CFR part 261 have been introduced, and that the department approves Selmet not handling the wastes as hazardous.

(e) Data Submittals: Selmet, Inc. must submit the data obtained through verification testing, or as required by other conditions of this rule, to the department. Selmet must submit the annual verification data and certification of proper disposal on the anniversary of the effective date of this exclusion. Selmet, Inc., must compile, summarize, and maintain on site, for a minimum of five years, records of operating conditions and analytical data. Selmet, Inc. must make these records available to the department for inspection. Selmet, Inc, must submit with all data a signed copy of the certification statement described in 40 C.F.R. § 260.22(i)(12).

(f) Reopener Language:

(A) If, at any time after the delisted waste is disposed of, Selmet, Inc., possesses, or is otherwise made aware of, any data, including but not limited to leachate data, about the delisted waste, indicating that any constituent is at a concentration in the leachate higher than the specified delisting concentration in subparagraph 6(c)(A), then Selmet, Inc., must report such data, in writing, to the department, within 10 days of first possessing or being made aware of that data.

(B) Based on the information described in subsections (6)(d) and 6(e), and any other information received from any source, the department will make a preliminary determination as to whether the reported information requires department action to protect human health or the environment. Further action may include suspending or revoking the exclusion, or other appropriate response necessary to protect human health and the environment.

(C) If the department determines that the reported information does require department action, the department will notify Selmet, Inc., in writing, of the actions the department believes are necessary to protect human health and the environment. The notice will include a statement of the proposed action and a statement providing Selmet, Inc. with an opportunity to present information as to why the proposed department action is not necessary or to suggest an alternative action. Selmet, Inc. must provide to the department in writing its information in response to the notice within 30 days from the date the department mails its notice requesting the information.

(D) The department will issue a final written determination. The department may issue the determination at the later of either 30 days after it mailed notice to Selmet, if Selmet presented no additional information during that interval, or after reviewing any information Selmet submitted during the 30-day interval. The written determination will describe the department actions that are necessary to protect human health and the environment. Any required action described in the department's determination is effective immediately, unless the department provides otherwise.

Statutory/Other Authority: ORS 192, 465.009, 466.015, 466.020, 466.075, 466.090, 466.180, 468.020 & 646
Statutes/Other Implemented: ORS 466.015, 466.075 & 466.195
History:
DEQ 5-2017, f. & cert. ef. 7-12-17
DEQ 7-1984, f. & ef. 4-26-84; Superseded by DEQ 8-1985; DEQ 8-1985, f. & ef. 7-25-85; DEQ 6-1994, f. & cert. ef. 3-22-94; DEQ 4-1999, f. & cert. ef. 3-19-99; DEQ 10-2000, f. & cert. ef. 7-21-00; DEQ 13-2003, f. & cert. ef. 10-24-03

Supporting documents

Delisting Staff Memorandum

(double click to **HERE** to see document)

Adobe Acrobat Document

Delisting Staff Memorandum

Staff Memo Table 1

(double click **HERE** to see document)

Table 1

Individual Analytes	*DRAS Maximum Allowable TCLP Concentration (mg/L)[4]*	*DRAS Maximum Allowable Total Concentration (mg/kg)[4]*	*TCLP RCRA Toxicity Characteristic Regulatory Levels (mg/L)*	3/22/2018 Period 1 Composite Sample			4/2/2018 Period 2 Composite Sample			4/12/2018 Period 3 Composite Sample		4/20/2018 Period 4 Composite Sample	
				Total (mg/kg)[1]	Total (mg/kg)[1]	TCLP (mg/L)[2]	Total (mg/kg)[1]	Total (mg/kg)[3]	TCLP (mg/L)[2]	Total (mg/kg)[1]	TCLP (mg/L)[2]	Total (mg/kg)[1]	TCLP (mg/L)[2]
Cadmium	*0.2*	*20,000*	*1.0*	<3.38	0.34	-	<12.0	0.40	<0.00500	<11	<0.00500	<5.94	<0.00500
Manganese	*38.7*	*1,540,000*	--	29	70.60	-	53.80	63.90	-	71.90	-	74.30	-
Molybdenum	*7.9*	*83,100,000*	--	141	345	0.187	316	345	0.0254	236	0.1	319	0.0640
Nickel	*32.7*	*258,000*	--	25.10	50.2	-	62.80	57.10	-	57.10	-	51.90	-
Silver	*20.7*	*2,060,000*	*5.0*	<6.77	41.70	-	<24.0	34.50	-	<22	-	12.90	-
Vanadium	*8.5*	*83,100,000*	--	1380	2750	<0.025	3560	3710	0.0293	3350	<0.0250	3060	<0.025
Zirconium	--	*9,940*	--	1210	-	-	509	1150	-	880	-	1380	-
Chromium	*4.9*	*5,150*	*5.0*	33.80	80.90	-	83.10	84.30	-	145	<0.00500	70	-
Cyanide	*7.5*	*1,140,000*	--	2.58	18.80 (HT)	-	2.04	2.57 (HT)	-	1.23	-	1.82	-
Fluoride	*94.8*	*997,000,000*	--	280	255	-	612	134	-	388	-	505	-
Chromium (vi) (+6)	*4.9*	*736*	--	**8.0** (J)	62.3	35.1	8.3 (J)	<9.03 (HT, Q)	8.3	17.2	-	6.06	MDL

Notes:

Highlighted in tan: Greater than DRAS Maximum Allowable Total Concentration values

Highlighted in light gray: 20 times greater than DRAS Maximum Allowable TCLP Concentration values or 20 times greater than TCLP RCRA Toxicity Characteristic Regulatory Level values

- : TCLP or Total Testing not performed

HT : At clients request, samples was analyzed outside of recommended holding time.

Q : Detection levels elevated due to sample matrix.

J : The identification of the analyte is acceptable; the reported value is an estimate.

1. Total concentration for Zirconium tested by Specialty. All other total concentrations tested by ESC.
2. All TCLP analysis performed by Specialty.
3. Duplicate analysis performed by Specialty.
4. Maximum Allowable TCLP and Total Concentration determined for pond sediment from DRAS using example analyses and the following inputs:

Staff Memo Table 2

(double click **HERE** to see document)

Table 1

Individual Analytes	DRAS Maximum Allowable TCLP Concentration (mg/L)[4]	DRAS Maximum Allowable Total Concentration (mg/kg)[4]	TCLP RCRA Toxicity Characteristic Regulatory Levels (mg/L)	4/18/2018 POND COMPOSITE A Composite Sample		4/12/2018 POND COMPOSITE B Composite Sample			4/18/2018 POND COMPOSITE C Composite Sample		4/18/2018 POND COMPOSITE D Composite Sample	
				Total (mg/kg)[1]	TCLP (mg/L)[2]	Total (mg/kg)[1]	Total (mg/kg)[3]	TCLP (mg/L)[2]	Total (mg/kg)[1]	TCLP (mg/L)[2]	Total (mg/kg)[1]	TCLP (mg/L)[2]
Fluoride	1,470	1,630,000,000	--	3,080	-	5,990	-	-	3,500	-	4,190	-
Cyanide	116	12,200,000	--	<0.58	-	0.376	-	-	0.0950 (J)	-	<0.555	-
Antimony	4.03	3,870,000	--	<93	0.136	<66.0	-	-	<44.2	-	<44.4	-
Arsenic	0.032	5,650	5	<93	0.022	<66.0	-	0.0174	<44.2	<0.005	<44.4	<0.005
Barium	1,340	24,900,000	100	75.7	-	191	-	-	114	-	122	-
Beryllium	2.93	41,700	--	<3.30	-	<6.60	-	-	<4.42	-	<4.44	-
Cadmium	3.42	55,600	1	<23.30	<0.0050	<16.5	-	-	<11.1	-	<11.1	-
Chromium	67	8,340	5	110	0.028	205	-	0.0632	80.4	-	97.5	-
Cobalt	7.71	11,100	--	<46.50	-	<33.0	-	-	<22.1	-	10.1 (J)	-
Copper	880	21,800,000	--	<93	-	44.6	-	-	<44.2	-	17.4 (J)	-
Lead	19.60	9,560,000	5	<23.30	-	7.01	-	-	<11.1	-	<11.1	-
Manganese	602	2,490,000	--	185	-	273	-	-	130	-	179	-
Mercury	2.55	8,170,000	0.20	<0.047	-	0.0287	-	-	<0.0442	-	<0.0444	-
Molybdenum	122	136,000,000	--	80.5	-	84.1	-	-	115	-	81.0	-
Nickel	505	417,000	--	32.2 (J)	-	50.9	-	-	16.9 (J)	-	27.5 (J)	-
Selenium	82.60	15,000,000	1	<93	0.094	<66.0	-	0.0656	<44.2	<0.05	<44.4	<0.050
Silver	293	27,000,000	5	105	0.0099	173	-	0.0108	190	0.0121	73.3	-
Thallium	1.37	2,550	--	<93	<0.0250	<66.0	-	<0.0250	<44.2	<0.0250	<44.4	<0.0250
Vanadium	173	116,000,000	--	1,130	-	2,160	-	-	1,330	-	1,060	-
Zinc	7,600	56,300,000	--	56.7 (J)	-	92.9	-	-	44.0 (J)	-	53.8 (J)	-
Zirconium	--	106,000	--	2,020	-	1,290	-	-	803	-	1,130	-
Chromium (vi) (+6)	67	1,190	--	**<23.30**	-	3.14	-	-	**<22.1**	-	**17.9** (J)	-
Benzo(a)anthracene, Benzanthracene	0.26	310	--	<0.014 (J3)	-	0.0302	-	-	<0.0133	-	<0.0133	-
Pyrene	167	1,400,000	--	0.00152 (J, J3)	-	0.0518	-	-	0.00212 (J)	-	0.00188 (J)	-
				POND GRID 16 Discrete Sample		POND GRID 26 Discrete Sample			POND GRID 42 Discrete Sample		POND GRID 59 Discrete Sample	
Acetone	19,500	1,060,000,000	--	0.275	-	0.0924	-		0.0319 (J)		1.25	
Benzene	0.77	184,000	0.50	0.00111 (J)	-	0.000823 (J)	-		0.000665 (J)		0.00848	
Methyl ethyl ketone (MEK); 2-butanone	13,000	4,230,000,000	200	<0.0214	-	<0.0161	-		<0.0176		0.0385 (J)	

Notes:

Bold: Greater than either Oregon RBC to Construction or Occupational Worker values

Highlighted in tan: Greater than DRAS Maximum Allowable Total Concentration values

Highlighted in light gray: 20 times greater than DRAS Maximum Allowable TCLP Concentration values or 20 times greater than TCLP RCRA Toxicity Characteristic Regulatory Level values

Highlighted in purple: Greater than DRAS Maximum Allowable TCLP Concentration values

- : TCLP or Total Testing not performed

J : The identification of the analyte is acceptable; the reported value is an estimate.

J3: The associated batch QC was outside the established quality control range for precision.

HT : At clients request, samples was analyzed outside of recommended holding time.

1. Total concentration for Zirconium tested by Specialty. All other total concentrations tested by ESC.
2. All TCLP analysis performed by Specialty.
3. Duplicate PCB analysis performed by Specialty.

Selmet Delisting Petition

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