



CAPCO PIPE COMPANY, INC.—A Subsidiary of ASARCO Incorporated
603 South Twenty-Eighth Street • Van Buren, Arkansas 72956 • Phone 501-474-2393

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Mike
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February 8, 1994

Arkansas Department of Pollution
Control & Ecology
8001 National Drive
P.O. Box 8913
Little Rock, Arkansas 72219-8913

201094

Attn: Mr. Steve Haralson,
Solid Waste Division

Re: CAPCO Pipe Company Pond Closure
B & F Job No. 7-2501-0104

196-7415

Dear Mr. Haralson:

We received your letter dated January 28, 1994 granting conditional approval of the plans and specifications for closure of CAPCO's ponds. The following responses correspond to your numbered comments:

1. Asbestos-containing pipe shall not be added to the ponds in any form. All asbestos waste not currently in the ponds will be disposed of separately in CAPCO's permitted landfill. Section 00230 will be so revised.
2. All references in Section 02200 to placing potentially asbestos-containing materials a minimum of one (1) foot below final grade shall be revised to say two (2) feet.
3. All concrete to be disposed of in the ponds will be cleaned by wet methods prior to placement in the bottoms of the ponds or offsite disposal.
4. The Solid Waste Management Division of ADPC&E shall be notified upon substantial completion of the closure to allow for inspection.

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Your letter also contained unnumbered comments concerning water and air regulations. Our responses follow:

As directed by the Water Division of ADPC&E, CAPCO has engaged a contractor to filter the water pumped from the ponds through a 5-micron filter and discharge it to the Van Buren Sewer System. The Sewer Department is metering the flow.

Compliance with the Section 01060.1.01.B. includes compliance with all regulations, including those dealing with worker and environmental protection. Section 02160.1.B. stresses communication of hazard to the contractor's employees.

We assume that the reference to "Regulations concerning excavation...." refers to DESHAP's (40 CFR 61). It is difficult to determine how to apply those regulations to this pond closure. Mr Darl Mount, Environmental Protection Agency, Region 6, advised us to consider Subpart A first. Then, since it would have to be considered an active disposal site by definition for a year, 40 CFR 61.154 "Standard for active waste disposal sites" would apply followed by 61.151 "Standard for inactive disposal sites for asbestos mills and manufacturing and fabricating operations".

Although Subpart A lists asbestos as a basis for applicability, it is our opinion that the pond closure does not fit the definitions of "construction" (61.02), since the project does not include the "fabrication, erection, or installation of an affected facility". The term "modification" (61.15) does not apply because it will not increase the rates of emission of a hazardous pollutant. The slurry has not and does not now "emit" asbestos because it is always wet and underwater. During implementation of the closure, the slurry will not have an opportunity to dry and become friable as a part of it is pushed toward the middle to keep it from being left on the final surface.

For the above reasons, we hereby submit, on behalf of CAPCO Pipe Company, application for determination that the proposed closure is not "construction or modification" under Subpart A and that Subpart A does not apply to the pond closure.

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Since the closure site is within the plant fence and the potentially asbestos-containing waste will remain wet, the provisions of 40 CFR 61.154 (c) (2) will be satisfied. 40 CFR 61.154(e),(f), and (j) apparently apply to a site receiving waste from sources other than the plant's manufacturing process. CAPCO will comply with all other applicable provisions.

CAPCO will comply with the appropriate requirements of 40 CFR 61.151.

If you have any further comments or questions or require more information, please notify Ken Spurlin or myself.

Sincerely,

CAPCO Pipe Company, Inc.



Paul Cooper, Administrative Assist.

PC/rs

cc: Ken Spurlin, B & F Engineering
Chuck Bennett, Chief, Water Division
J. B. Jones, Chief, Air Division
John Lanus, District Field Inspector