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From: Danny D. Reible, Director *Danny Reible*
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Date: November 28, 2000

To: Philip Asproditis, Commissioner of Conservation
Louisiana Department of Natural Resources

Re: *Comments on the Report* "Risk-Based Evaluation of Exploration and Production Wastes"

We have reviewed the revised referenced report. The report now appears to be free of calculation errors and the conclusions are valid subject to the assumptions and limitations of the approach. The approach to evaluating risks is generally conservative when examining the long-term impact of the open cell treatment of exploration and production wastes.

The report suggests elimination from open cell treatment of problem waste types, as defined by 5% or more of that waste type exceeding the maximum permissible concentration (MPC). Alternatives that will also reduce the long term risk as defined by the approach of the report include increasing the buffer zone distance between the treatment cell and nearby residences above 500 feet, or alternative treatment in closed systems or in cells with active vapor controls. These alternatives may be appropriate to consider in the revision of Rule 29-B.

As we have indicated previously, the key assumptions that must be kept in mind when developing regulations based upon the report include the following.

- The risk assessment approach considers the waste types individually and assumes that the characteristics of each waste are as measured during the emergency rule. In particular, the conclusions with respect to gas plant processing wastes are based upon only four validated samples.
- The approach assumes that the volumes and characteristics of the wastes will be uniform, and consistent with current conditions, over the entire 30 year period of assessment.
- The approach employs TCLP levels to estimate total concentration levels in wastes using a method that can be significantly in error on individual samples.
- The approach does not address isolated events or short-term exposures such as those that originally motivated the emergency rule.
- The approach does not address the presence or generation of hydrogen sulfide or other toxics that may pose shorter term concerns.

cc: J. Wharton