

PPC 9488.00-1A

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

MAY 7 86

MEMORANDUM

SUBJECT: Dioxin Trial Burns for Purposes of Certification or
a RCRA Permit

FROM: Bruce Weddle, Director
Permits and State Program Division

TO: Hazardous Waste Branch Chiefs, Regions I-X

The dioxin listing regulations (50 FR 1978-2006, January 14, 1985) require facilities to either be certified under interim status or to have a RCRA permit to treat dioxin waste before such waste may be treated. The facility must provide evidence (e.g., trial burn data) that the treatment unit is capable of meeting performance standards under Subpart O of Part 264 to support the certification or the permit. We have received questions regarding the need for certification prior to a trial burn involving dioxin waste. The purpose of this memorandum is to confirm in writing that certification is not required in order for an applicant to conduct a trial burn.

We recognize that this issue has been confusing because the regulations are silent on the need for certification prior to a trial burn involving dioxin listed waste. The intent of the regulations, however, is to allow this activity without prior certification because the trial burn process itself provides adequate safeguards to public health and the environment. The regulations for both new and interim status incinerators require the applicant to submit information on the design of the unit and the trial burn plan in accordance with §§270.19 and 270.62 and the Director must be satisfied that the unit is likely to meet the §264 Subpart O performance standards before the trial burn may occur.

The preamble to the regulations indicates a preference for the use of actual dioxin listed waste for the trial burn. Specifically, the preamble states that the trial burn may involve "...spiking the [dioxin] waste with a compound that is more difficult to incinerate...it is possible to use a trial burn to predict compliance with the 6-9's [destruction and removal efficiency] DRE..." (see 50 FR 1991). The advantage of using actual dioxin waste for the trial burn is that it provides the most accurate test of the treatment unit performance. This is particularly true in those situations where the waste material has a very complex matrix which is difficult to duplicate.

Although certification is not required prior to the dioxin trial burn, there may be cases where it is advisable to perform a pre-trial burn using a synthetic material to demonstrate the potential performance of the treatment unit. A case in point is when the public has a high concern regarding a trial burn involving dioxin waste and information resulting from a trial burn using a synthetic waste material would ease the public's concern. Another case is where the performance of the treatment device is in doubt and supporting evidence using a waste material for which the 6-9's DRE is not a regulatory requirement would provide the necessary assurance. In no case, however, is certification required in order for the trial burn involving the dioxin waste to occur.

Questions on this policy may be addressed to Robin Anderson of my staff at 382-4498 or Jim Cummings of the Dioxin Management Task Force at 382-4686.

cc: Peter Guerrero
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