

PPC 9527.1986(01)

EMERGENCY PERMITS FOR DETONATION OF EXPLOSIVE WASTE

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JAN 5 1986

Mr. Philip E. Hoffman  
House of Representatives  
State Capitol  
Lansing, Michigan 48909

Dear Mr. Hoffman:

Thank you for sharing your concerns about the detonation of a hazardous explosive within Waterloo Township in your May 15, 1986, letter. Lee Thomas, the present Administrator of the Environmental Protection Agency (EPA), has asked me to respond.

In accordance with our regulations (40 CFR §270.61), EPA's Region V office issued an "Emergency Permit" to the Drug and Laboratory Disposal Inc. facility to detonate 50 pounds of hazardous explosives. The permit was effective from April 14 to May 14, 1986. This permit was issued only after the facility had conducted an extensive search for alternative methods of disposal. Because there was no feasible alternative, and due to the unstable nature of the material, EPA decided that this permit procedure was the proper course of action. Our regulations do not require us to provide a 45-day public notice when issuing emergency permits. However, we are required to provide public notice. Region V provided this notice by making public announcements through the local newspaper and radio station.

In addition, you raised a concern about EPA's possible violation of Waterloo Township's ordinance #5. In issuing any permit, EPA includes a clause requiring that the permittee obtain all State and local approvals. If the permittee failed to do so, EPA could take an enforcement action to address the violation. It is my understanding that Region V will discuss this matter with the State to determine if an enforcement action is warranted.

RO 12531

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If you should have any additional questions concerning this matter, please contact Richard Traub of our Region V office in Chicago. Mr. Traub can be reached at (312) 866-6136.

Sincerely,

Original Document signed

J. Winston Porter  
Assistant Administrator