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CHEMICAL AGENTS/MUNITIONS SYSTEM (CADMS) IS NOT TOTALLY
ENCLOSED AND SUGGESTED RD&D PERMIT

Mr. Lewis D. Walker
Deputy for Environment, Safety and
Occupational Health
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Room 2E613
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Washington, D.C. 20310-0103

Dear Mr. Walker:

My staff and I have reviewed the Technical Document dated 27 June 1985, which was submitted by the U.S. Army Chemical Agent/Munitions System (CAMDS) Directorate, to consider the CAMDS site at Tooele Army Depot in Tooele, Utah as a "totally enclosed treatment facility" and thereby exempted from RCRA Subtitle C requirements. The substance of this document was presented to technical, policy, and legal EPA staff at a meeting on September 5, 1985, by several Department of Defense (DoD) personnel.

A "totally enclosed treatment facility" under RCRA is defined in 40 C.F.R. §260.10 as:

... a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

The CAMDS facility does not meet this definition for two reasons. First, the objective of CAMDS is to destroy obsolete chemical munitions; this activity constitutes treatment as defined in §260.10 and is not directly connected to an industrial production process. Second, this treatment involves incineration of hazardous waste, thus releasing emissions of hazardous constituents to the environment. These emissions (e.g., byproducts

of the combustion process during normal operation and during upset conditions before the wastefeed is shut off) are inherent in the normal operation of a hazardous waste incinerator. Even a highly efficient incinerator will not destroy 100 percent of all constituents of the hazardous wastes that are fed into it. The regulatory exclusion of a totally enclosed treatment facility pertains only to treatment that prevents releases of both hazardous wastes and their constituents.

We realize that DoD may soon be mandated to completely destroy 90 percent of the military stockpile of lethal chemical agents and munitions by September 30, 1994 (H.R. 1872, 131 Cong. Rec., No. 87, June 26, 1989). Consequently, DoD intends to use the CAMDS facility to develop and demonstrate the incineration technology to accomplish this proposed statutory objective. In view of the structural modifications and/or operating changes necessary to provide DoD and Congress with information about the effectiveness of incineration to demilitarize chemical agents and munitions at the CAMDS facility, we recommend that the U.S. Army apply for a research, development, and demonstration (RD&D) permit under 40 C.F.R. §270.65; a full RCRA incinerator permit issued under 40 C.F.R. Part 264, Subpart O would not provide flexibility in modifying the design and operation of the facility.

All intended modifications to the facility must be identified in the RD&D permit. However, unlike a Subpart O permit, a trial burn for each modification is not required to demonstrate compliance with §264 requirements since this would be counter to the compliance of an RD&D permit. You should note, however, that before the facility may be operated outside the conditions specified in the RD&D permit (i.e., structural or operational modifications) the RD&D permit must be re-drafted to reflect the modifications required and must be made available for public notice and comment for 45 days (§270.41). Therefore, I recommend that attention be given to planning the project so that it is not delayed for this reason.

RD&D permits are limited to one year of operation (365 days of actual operation treating hazardous wastes), may be renewed three times, and must specify the type and quantities of hazardous waste intended for treatment (§270.65(a)(1) and (2)). The Congress and EPA intend to limit these quantities of hazardous waste to the minimum necessary to demonstrate the feasibility of the incinerators. In order to expedite the review and issuance of

the RD&D permit, the EPA Regional Office can tailor the RCRA permit application and procedural requirements of 40 C.F.P. Parts 124 and 270 (except for the public participation procedures and financial assurance requirements) to the research objectives of the CAMDS facility (5270.65(b)).

Until the RD&D permit is issued, the CAMDS facility can continue to operate under interim status, providing it continues to operate according to the requirements of §270.71. During the RD&D testing, CAMDS could apply for a full RCRA incinerator permit if you intend to continue using the incinerators to demilitarize stockpiles of chemical agents and munitions following the term of the RD&D permit; in this case, data from the RD&D activity may be submitted in lieu of a trial burn (see enclosure 1, Research Plan "B").

To assist the Regional Office, we reviewed the information in the Technical Document and made a preliminary determination about the additional type of information necessary to prepare a complete RD&D application (see enclosure 1). We also described the type of performance data, which would be necessary in lieu of conducting a trial burn, thereby accelerating the permitting of similar hazardous waste incinerators based upon the RD&D demonstrations. Also, we are enclosing a copy of the draft Guidance Manual for Research, Development, and Demonstration Permits, dated October 3, 1985, to assist you in preparing an RD&D application (see enclosure 2).

The Agency is encouraging the development and demonstration of new and alternative technologies and processes to treat and minimize hazardous wastes. We recognize the critical need for DoD to demilitarize chemical agent munitions, particularly in view of the limited technical data on processes and technologies and the lack of facilities to treat these wastes.

You should contact Mr. Larry Wapensky at (303) 293-1662, Chief, RCRA Permits Section, EPA-Region VIII about processing the RD&D application.

Sincerely,

Marcia E. Williams
Director

Office of Solid Waste

Enclosures

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