

Gene Penick, Jr.
Penick Forest Products, Inc.
P.O. Box 479
Macon, MS 39341

Dear Mr. Penick:

Thank you for your letter of May 31, 2001, to President Bush regarding the treatment of soils contaminated with creosote. Your letter was forwarded to the Environmental Protection Agency (EPA) Headquarters' Office of Solid Waste for response.

According to your letter, you have approximately 25 cubic yards of soil at your wood treater site that has been contaminated with creosote. You express concern over the costs of sending the contaminated soil to a "licensed incinerator" in Texas, and propose that you be allowed to burn the creosote out of the soil with a propane torch.

We understand EPA's Region IV Office in Atlanta responded to a similar request sent by you to Administrator Whitman on July 5, 2001. (A copy of the response is attached.) We concur with the Region's response, that the treatment of the creosote-contaminated soil is subject to the requirements of the Resource Conservation and Recovery Act (RCRA), and that your proposal to burn the creosote in the soil would be considered hazardous waste treatment, requiring a RCRA permit. The purpose of a RCRA permit is to assure that hazardous waste management is protective of public health and the environment.

As an alternative to incinerating the soil, you may wish to consider treatment alternatives that may be appropriate for creosote-contaminated soil. Following are some information resources, developed by EPA, that may be useful when considering treatment alternatives. (Internet links to the documents are provided.)

1. Presumptive Remedies: Technology Selection Guide for Wood Treater Sites, 1993, (EPA/540/F-93/020); Presents information on technology performance for wood treater sites.
URL: <http://www.epa.gov/superfund/resources/presump/wood/tech.pdf>
2. Appendix A: Summary of Screening and Detailed Analysis for Wood Treater Sites with Contaminated Soils, Sediments, and Sludges; Provides information about wood treater sites with contaminated soils, sediments, and sludges.
URL: <http://www.epa.gov/superfund/resources/presump/wood/appenda.pdf>
3. Presumptive Remedies for Soils, Sediments, and Sludges at Wood Treater Sites, 1995, (EPA/540/R-95/128); Certain categories of sites have similar characteristics.
URL: <http://www.epa.gov/superfund/resources/presump/wood/wodtreat.pdf>

Determining which technology is appropriate for your site-specific situation should be done in cooperation with the state of Mississippi, which is authorized to implement the RCRA program, and as such, establishes the requirements for the management of hazardous wastes within the state.

Thank you for the opportunity to respond to your letter. If you have any questions, please contact Jeff Gaines of my staff at (703) 308-8655, or via e-mail at gaines.jeff@epa.gov.

Sincerely,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

Enclosure