

9441.1987(30)

TEMPORARY EXCLUSION APPLIED TO ONLY ONE FACILITY (MONROE AUTO)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 30 1987

MEMORANDUM

SUBJECT: Scope of Temporary Exclusion for Monroe Auto Equipment,
Cozad, Nebraska

FROM: Marcia Williams
Director, Office of Solid Waste (WH-562)

TO: David A. Wagoner
Director, Waste Management Division
Region VII

Thank you for your April 10, 1987 memorandum concerning the scope of Monroe Auto Equipment's December 27, 1987 temporary exclusion. Specifically, you asked if the temporary exclusion issued December 27, 1982 covered (1) the F006 sludges disposed of at the Sandhills Landfill during 1981 and 1982; and (2) the F006 sludges generated at Monroe Auto Equipment prior to the temporary exclusion.

The Agency believes that Monroe's temporary exclusion did not apply to any of the wastes disposed at their Sandhills disposal site. First, exclusions are granted to a facility for specific wastes. If the wastes will be managed on-site, sampling data for the waste contained in each on-site management unit must be provided. Monroe's initial petition (submitted 9/20/81) was limited to the impounded waste at the Second Street facility. It did not mention the Sandhills site, nor was analytical data characterizing the sludge at the Sandhills disposal site submitted until August 1985, nearly three years after the date of the temporary exclusion. The August 1985 submission provided incomplete information for the landfilled sludge at Sandhills. Subsequently, Monroe discontinued use of the two impoundments at the Second Street facility and began using a vacuum filter press to generate dewatered sludge from their production process. Due to trichloroethylene contamination found in ground water at the Second Street site,

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and trichloroethylene found in the sludge contained in the inactive surface impoundments, at the Second Street site, Monroe attempted to re-treat the impounded wastes by aeration. On October 18, 1905,

Monroe submitted a second petition seeking to exclude their re-treated (aerated) surface impoundment sludges, the Sandhills landfill sludge, and their actively generated process vacuum filter cake. This further demonstrates that Monroe's first petition was only for the sludge contained in their two on-site surface impoundments at their Second Street facility, and that their temporary exclusion did not apply to the waste disposed at the Sandhills landfill site. Therefore, since no temporary exclusion applied to the Sandhills landfill, and it contains uncharacterized listed waste generated prior to the issuance of the temporary exclusion, it is and has been hazardous waste since 1980.

Because the waste disposed at the Sandhills disposal site was never covered by Monroe's December 27, 1982 temporary exclusion, Monroe does not have the six month period (normally given to petitioners having a temporary exclusion revoked) in which to bring the Sandhills disposal site into compliance with all of the applicable RCRA regulations. This area has contained hazardous waste since 1980 and, as a result, Monroe must comply with all appropriate requirements under 40 CFR Parts 262 through 2665 and 40 CFR part 270.

We are going to publish a final denial decision in the Federal Register. This notice will both explain the Agency's position regarding the scope of Monroe's previous temporary exclusion and how the Agency inadvertently omitted reference to Monroe's Sandhill disposal site sludge in our final decision to deny Monroe's surface impoundment sludge and vacuum filter cake published November 14, 1986 in the Federal Register (see 51 FR 41320).

I hope that we have responded to your questions. Should you require more information or further clarification, please call Mr. Myles Morse, of my staff, at (202) 382-4782.