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DELISTING PETITION, USE OF VHS MODEL

Honorable Dan Glickman  
Member, United States  
House of Representatives  
U.S. Court House  
Box 403-Room 224  
Wichita, Kansas 67201

Dear Mr. Glickman:

This letter is in response to your inquiry of October 29, 1985, concerning the delisting petition filed with the Agency by Boeing Military Airplane Corporation for its Wichita, Kansas facility. The Agency has proposed (in the Federal Register, on February 26, 1985) the use of a vertical and horizontal spread (VHS) model to aid in the evaluation of delisting petitions. After addressing the public comments received on the model, this model was made final (with few adjustments) on November 4, 1985; it will be used to assist us in making delisting evaluations. The VHS model uses leachate data and waste volume estimates in order to predict waste toxicant concentrations in ground water at a downstream compliance point, and allows the comparison of predicted values with appropriate health-based numbers. The Agency's use of this model involves several reasonable worst case assumptions concerning the land disposal of hazardous wastes. These assumptions are based on the reviews of the technical literature and informal surveys of States and State Solid and Hazardous Waste agencies, and are not based on site-specific factors. The Agency believes that the VHS model is quite conservative, and represents a reasonable worst case for the factors considered.

The Agency has considered the use of site-specific factors in its delisting evaluations. Specifically, the local geographical, hydrogeological, and demographic conditions were considered as factors that could affect the Agency's decisions. Once a waste is delisted, however, there is no guarantee that the waste will be managed at the site that was evaluated. That is, the generator of the waste is under no obligation to manage the waste at a

particular site. Therefore, we believe the use of site-specific factors are inappropriate. The Agency also considered placing conditions on the delisting decisions that would require specific waste management. This option was also rejected since such an evaluation would essentially be the same as the permitting process. The Agency feels that if management conditions need to be specified to ensure that a particular waste does not damage human health or the environment, the waste is hazardous and should be managed at a site that is fully permitted to handle that waste.

I would also like to point out that the Agency does consider ground-water data from a facility as part of the delisting evaluation. The lack of ground-water contamination is viewed as being supportive of a petition; however, this information is indicative of what has happened at the site receiving the waste and not what will happen. Therefore, ground-water data alone are not sufficient to determine whether a waste is non-hazardous.

I am hopeful that this response addresses your concerns. If you have any questions, please contact my office at your convenience.

Sincerely yours,

Original Document signed

J. Winston Porter  
Assistant Administrator

bcc: GWTF  
Nancy H. Fussell, Boeing  
Faye Sandberg, EPA Region VII  
Congressional Liaison/Craig Deremer, EPA