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DESTRUCTION OF DIOXIN CONTAMINATED SOIL USING MOBILE
INCINERATION

APR 24 198

MEMORANDUM

SUBJECT: Destruction of Dioxin Contaminated Soil Using Mobile
Incineration

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

TO: Thomas W. Devine, Director
Waste Management Division, Region IV

In response to your letter of February 28 1986, you requested clarification on two issues concerning the RCRA research, development, and demonstration (RD&D) permit application for the U.S Air Force in Gulfport, Mississippi. The issues you raised involve delisting the residues resulting from treatment and allowing site construction prior to permit issuance.

Delisting

You requested the use of delisting information from the ENSCO trial burn or EPA's burn at Times Beach to expedite NCBC's delisting petition. (During the Ensco trial burn, trichloroethane, monochlorobenzene, and trichlorobenzene were incinerated and the DKE (at the stack) was calculated.) This information can only be used indirectly to support the NCBC petition. The delisting regulations explicitly state (see 4U CPR §260.22(k)) that "an exclusion will only apply to the waste generated at the individual facility covered by the demonstration and will not apply to waste from any facility". In addition, NCRA §3005(f)(1) required the petitioner to demonstrate, to the satisfaction of the Administrator, that the waste does not meet any of the criteria for which it is listed nor contain any other additional constituents which could cause the waste to be hazardous. The delisting demonstration, therefore, is required to be made on the waste itself, and cannot be made on surrogates (ie., PORC's).

NCBC may, however, incinerate a small portion of the contaminated soil from Gulfport, Mississippi on another ENSCO unit certified as achieving six 9's DRL as a basis for their delisting petition. NCBC would need to demonstrate that: (1) the two ENSCO units are essentially identical, and (2) the waste incinerated during the "test burn" is representative or a "worst-case" of the waste that will be incinerated during the field demonstration. Furthermore, NCBC must provide "test burn" data on a minimum of four representative samples of the solid residue and of the scrubber water. These samples must be analyzed for the characteristics of a hazardous waste and for all the Appendix VIII constituents that are reasonably expected to be present in the waste. The Appendix VIII constituents would be chosen based on the results of the analysis on the contaminated soil from Gulfport, Mississippi. Providing that the concentrations of the hazardous constituents in the waste meets the delisting requirements, the Agency could propose to grant a conditional exclusion. The conditional exclusion is needed to verify that the two ENSCO units do indeed achieve the same destruction efficiency.

Site Construction

RCRA §3005(a), as amended by the Hazardous and Solid Waste Amendments of 1984, requires owners and operators of all hazardous waste treatment, storage, and disposal facilities to obtain a RCRA permit prior to constructing a RCRA facility. While I can appreciate the USAF's intent to expedite the testing of the mobile incinerator, RD&D permits are also subject to this restriction. (Section §270.65(b) only allows EPA to modify or waive the permit application and procedural requirements of 40 C.F.R. Parts 270 and 124, not the statutory requirements of RCRA.) This means that the mobile incinerator can be prefabricated and transported to the proposed treatment site, but construction of the site itself, such as pouring concrete foundations and connecting the MTU to physical structures on-site cannot occur until the RD&D permit is issued (RCRA §1004(2)).

If you have any additional questions on these issues, please contact Doreen Sterling at FTS/475-8551 with regard to delisting and Nancy Pomerleau at FTS/382-4500 with regard to site construction.

cc: Bruce Weddle
Peter Guerrero

Art Glazer
Nancy Pomerleau
Doreen Sterling (WH-562B)
Matt Straus (WH-562b)
Ken Gray (LE-132S)
Myles Morse (WH-562B)