9433.1986(20)

DELISTING ISSUES RELATING TO EPA'S MOBILE INCINERATOR

DEC 11 1986

MEMORANDUM

SUBJECT: Delisting Issues Relating to EPA's Mobile Incinerator

TO: David Wagoner Director
Waste Management Division
Region VII

FROM: Bruce Weddle, Director
Permits and State Programs Division

This memo serves to summarize the questions resolved, and data to be submitted as discussed in a conference call on December 8, 1986 with Myles Morse of my staff. The questions discussed included the extent of coverage of the delisting decision for the Denney Farm site (originally proposed on June 5, 1985); redefinition of the terms of the contingency testing requirements; areas of the original petition that would remain "grandfathered" and data requirements and scheduling for a new petition demonstration regarding waste from Syntex Corporation.

First, you asked if the residue generated from the incineration of an additional (approximately) 550 drums of waste would be covered by the original decision and therefore be considered non-hazardous under the terms of the exclusion. The wastes in these drums were described as either "derived from" wastes from the processing of the Denney Farm soil and soil from the Piazza Road site. You indicated that many of these drums contained "garbage" form these sites which may have included laboratory debris from processing samples of these wastes as well as disposable clothing worn during the sampling efforts. As Myles and Steve Hirsch of our Office of General Counsel (OGC) indicated, these wastes would be covered by the original delisting decision since they would have been implied as similarly stated in category No. 13 "Soils and other materials from clean-up from Baldwin Park" of the field demonstration categories in the proposed decision (see 50 FR 23722). The original decision therefore, would not

have to be reopened for public comment to treat these wastes. We do, however, need an accurate description of these wastes and their estimated volumes for the file and to assure OGC that this interpretation is correct. Several other drums were described as containing solvent and stillbottom wastes. Neither Region VII nor Frank Freestone of our Edison Lab adequately described this waste or its source. Therefore, since it could not be surmised over the phone that these wastes were in any way derived from the original 13 categories of the exclusion, we could not conclude that the exclusion covered these drums. We will further evaluate whether this waste is covered by the original decision if more detailed information is sent concerning this characterization and souce of this material, including your basis for believing that it is a waste derived from the original categories.

The second question regarding the original decision was whether the definition of "batch testing" for the contingency testing program could be changed, and would such a change necessitate reopening the decision for public comment. You indicated that the requirement of sampling and testing each tank of wastewater for mercury, selenium and chromium generated during the field demonstration, and the testing of daily composites of samples from each CHEAF roll and each drum of ash, were too prohibitive logistically and economically. We can propose to change these conditions to cover a less frequent sampling regime (i.e., weekly instead of daily), however, this would reopen this portion of the decision. That is, an amendment of this nature would need to be proposed Federal Register allowing a suitable public comment period. The original proposal included language that indicated if representative data on at least 10 samples were submitted and were below the limits of 0.03, 0 14, 0.68 ppm for mercury, selenium, and chromium, respectively, in the wastewater, and 0.044 and 0.22 ppm for mercury and selenium in both the CHEAF media and ash, then the Agency would drop the testing conditions. During the conference call, Frank Prestone indicated that you had collected representative test data. This data (on the wastewater, CHEAF media, and ash) should be submitted to the Variances Section. If the data indicate that these materials are consistently non-hazardous, then we can publish a notice amending the decision to drop the testing requirement completely. If the data is satisfactory we should be able to propose this change within a few weeks. This amendment would not reopen any other parts of the previous decision to public comment, that is, we will not require the application of different TCDD detection limits as a result

of this amendment.

You should submit an explanation of the rise in chromium levels noted in some samples due to the chromium content of patching material used on the refractory after removal of particulate build-up in the refractory. You should also identify which samples this affected. We are not at this time indicating that this is an acceptable variation. We will need to review the data and determine if a sufficient number of samples have been tested before this decision can be made. If a suitable number of samples, (at least forty five if non-parametric statistical procedures are used) are presented it may be possible to use an average chromium level rather than a maximum level in our evaluation.

Your third concern was whether any new (lower) detection limits for TCDD would be applied to the original decision if reopened for either of the reasons mentioned above. As already mentioned the only situation where a different TCDD level would be considered would be in a new petition request for a waste not covered by the previous decision. The TCDD levels used in the original decision will not be changed as a result of amending the decision to remove the contingency testing conditions.

The final topic of discussion was the initiation of a new petition action for the Syntex waste. It will not be necessary to resubmit descriptive data on the treatment system. You should however describe specific alterations in flow through rates, residence time, etc. The waste to be incinerated needs to be adequately characterized. This should include physical description of the waste, estimated volume and historical knowledge of the generating source and a description of how the charge was prepared. Representative samples of this particular waste matrix must be treated and representative samples of the wastewater, CHEAF media and ash must be tested to suitable Appendix VIII parameters (including all priority pollutants). The conditions of the test burn should be described as well as the sampling procedures of the waste for treatment and the sampling procedure of the treatment residues for analysis. The volumes of treatment residues should be estimated for the total volume of Syntex waste to be treated.

Frank Freestone asked whether analytical data collected from earlier samples of the Syntex waste could be used in evaluation. This data can be used if you can describe the sampling procedure

for both the untreated waste and the treatment residues in enough detail for us to determine how representative these samples were of the waste remaining to be treated, and if the key conditions of the trial burn, (i.e., residence time) were similar enough to the actual conditions that will occur during treatment.

Using the recommended test methods in SW-846, the detection limits for all other Appendix VIII constituents other then the TCDD's do not fail below the ppb range. The Characterization and Assessment Division (CAD) is currently working with ORD and the Chlorinated Dioxin Workgroup to determine if the assumptions made about the mobility of dioxin through environmental media and subsequent exposure levels were too stringent. We will let you know if our health standards change as a result of this review. To date, we have not promulgated a regulatory standard for dioxin which is applicable to delisting evaluations. As previously mentioned we are considering using various exposure scenarios such as overland sediment and soil transport and ground-water transport. If we determine that dioxin containing wastes should be evaluated using the OLM (see 51 FR 41032-41100, Nov. 13, 1986) and the VHS model (see 50 FR 48887, Appendix, Nov. 27, 1986) then a regulatory standard of 0.2 ppq and a solubility of 0.2 ppb would be used in conjunction with the volume of treatment residue to determine an acceptable dioxin level in the incineration residue. If the CAD finds that other exposure routes are more relevant for dioxin wastes then the use of these scenarios may result in a less conservative level of concern.

We have attached a list of maximum acceptable levels of some Appendix VIII constituents based on the health based standards and the minimum attenuation allowed through the OLM and VHS models currently used by the Variance Section. It should be noted that the attached levels only apply to a landfill waste management scenario (i.e., exposure to contaminated groundwater from landfilling of the treatment residue). It should also be noted that although the standards for some of these constituents are extremely low, we would not require detection limits below those normally achievable using the recommended extraction and analytical procedures from Test Methods for Evaluating Solid Waste (SW-846). (We can make the detection limits from SW-846 available to you if you do not have them.) Where hazardous constituents in a waste are not detected using appropriate analytical methods, we will, as a matter of policy, not use those constituents as a basis to regulate the waste as hazardous.

We will make every attempt to meet your April deadline for this new petition. However, it should be noted that if a complete petition with all necessary descriptions and test data is not received before the end of December, then achieving your April 1, 1987 deadline becomes less likely. Even if all necessary data is received by January 1, 1987, we would need to propose a decision in the FR by January 30, 1987. A thirty day comment period brings us to the first week of March, leaving us less than a month to address public comments and finalize the decision in the FR. This process usually takes 6 months from the date we receive a complete petition. We will attempt to accelerate the process as much as possible. It should be noted that petitions are handled as they are submitted (i.e. on a first come, first served basis). We are currently acting on about 150 active petitions, therefore an accelerated schedule on a new petition could have an adverse effect on the schedule of several other petitioners in your Region.

If you have any additional questions concerning the original Denney Farm decision or about information requirements for the new petition, please call Myles Morse of my staff at FTS 382-4788.

Attachment