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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

August 2, 1995

Donald T. Robertson, Ph.D  
Delphi Research, Inc.  
701 Haines Avenue, N.W.  
Albuquerque, NM 87102

Dear Dr. Robertson:

Thank you for your letter describing Delphi Research's DETOX wet oxidation process. Your letter requests a determination of whether the process would be regulated under 40 CFR 264 Subpart X (miscellaneous units) or under Subpart O (incinerators), when used to manage hazardous wastes.

Based on the information you provided regarding the DETOX wet oxidation process, it appears that, when used to treat hazardous wastes, the process would be regulated under the miscellaneous unit standards of Subpart X, and not under the incinerator standards of Subpart O. We believe the miscellaneous unit standards would apply because the wet oxidation process does not involve direct flame combustion, but uses heat provided by a hot oil heat exchanger apparatus.

Please note that Subpart X imposes environmental performance standards, and not unit specific standards as with other RCRA hazardous waste management units. Permits for Subpart X units are to contain such terms and provisions as necessary to protect human health and the environment. Furthermore, please note that individual States may have more stringent standards than the Federal program. For site-specific requirements, you should contact the appropriate State regulatory agency.

In your letter, you also asked whether someone from EPA Headquarters can act as a secondary stakeholder in your demonstration. The Agency's Technology Innovation office (TIO) is interested in the DETOX technology and any demonstrations which maybe forthcoming. They, however, are not in a position to issue letters of acceptance or approval. A contact for you within TIO

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is Jim Cummins, at (703) 308-8796.

With respect to the proposed demonstration project at the Department of Energy - Morgantown Energy Technology Center, that you mentioned in your letter, please be sure to work closely with the State of West Virginia and EPA Region III before proceeding with any RCRA hazardous waste-management activity. Furthermore, because West Virginia is not authorized for Subpart X permitting, you would need to contact the EPA Region III office in Philadelphia, PA regarding the permitting requirements.

Again, thank you for your request. If you have any questions, please call me at (703) 308-8655.

Sincerely,

Jeffrey C. Gaines, Environmental Scientist  
Disposal Technology Section (5303W)  
Office of Solid Waste

cc: Frank McAlister, OSW  
Jim Michael, OSW  
Sonya Sasseville, OSW  
Jim Cummings, TIO  
Mary Beck, Region III  
Subpart X Permit Writers' Workgroup, Regions I-II, IV-X