

9486.1990(01)

DEGRADATION, TRANSFORMATION OR IMMOBILIZATION IN
TREATMENT ZONE

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

APR 27 1990

Ralph Colleli, Esq.
American Petroleum Institute
1220 L Street, N.W.
Washington, D.C. 20005

Dear Mr. Colleli:

This letter is in response to your request for an Agency interpretation of 40 C.F.R. 264.272(a). That section requires that the owner/operator of a hazardous waste land treatment facility show that each hazardous constituent in the waste will be "completely degraded, transformed or immobilized in the treatment zone" as part of the treatment demonstration necessary to obtain a land treatment permit under RCRA. Specifically, you have asked whether the Agency interprets the language in 40 C.F.R. 264.272(a) quoted above to have the meaning which appeared in the 1986 Permit Guidance Manual on Hazardous Waste Land Treatment Demonstrations. That document states that an owner/operator must show that there will be no statistically significant release to the environment from the treatment zone.

The Manual accurately reflects EPA's current interpretation of 40 C.F.R. 264.272(a). Thus, EPA interprets the requirement of complete degradation, transformation or immobilization in the treatment zone to mean that the owner/operator of the facility must show, as part of the treatment demonstration, that there will be no statistically significant release to the environment from the treatment zone. (It should be noted, however, that the standard for a treatment demonstration under 40 C.F.R. 264.272(a) is not necessarily the same as the "no migration" standard for purposes of the land disposal restrictions program. The land treatment demonstration standard was established without the benefit of the Agency's experience in the RCRA and UIC programs using health-based numbers to evaluate variance petitions under the more recent statutory "no migration" standard.)

RO 13371

If you have further questions concerning land treatment demonstrations or this interpretation, please contact Vernon Myers of my staff. He may be reached at 382-4685.

Sincerely,

Original Document signed

Sylvia K. Lowrance
Director
Office of Solid Waste (OS-300)