

9554.1994(04)

TREATMENT STANDARD FOR K106 (LOW MERCURY SUBCATEGORY)
NON-WASTEWATER RESIDUES FROM RETORTING/ROASTING UNITS

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

July 14, 1994

Mr. William C. Rankin
Manager of Environmental Services
Olin Chemicals
P. O. Box 248
1186 Lower River Road
Charleston, Tennessee 37310

Dear Mr. Rankin:

Thank you for your letter dated June 27, 1994, requesting clarification of the treatment standard for K106 (low mercury subcategory) nonwastewater residues from retorting/roasting (RMERC) units. This treatment standard is given in 40 CFR 268.41 as 0.020 mg/l, and in the Third final rule was given as 0.20 mg/l (55 FR 22569-22573, 22691, June 1, 1990).

You are correct that the standard which appears in 40 CFR 268.41 - Table CCWE is inaccurate, and that 0.20 mg/l is the correct treatment standard. The correct standard can be found in the Final Best Demonstrated Available Technology (BDAT) Background Document for Mercury-Containing Wastes D009, K106, P065, P092, and U151. Therefore, RMERC residues that show mercury concentrations above 0.20 mg/l, as measured by the TCLP, must be treated to meet the applicable High or Low Mercury treatment standard prior to land disposal.

The discrepancy in 40 CFR 268.41 appears to originate from a typographical error in the January 31, 1991, Correction Notice to the Third rule, 55 FR 3864, which set a maximum mercury concentration of 0.020 mg/l. We will be correcting this error in an upcoming LDR rule scheduled to be signed July 31, 1994.

If you have any questions regarding this letter, please contact

Richard Kinch, Chief of the Waste Treatment Branch, at (703)
308-8434.

Sincerely,

Michael Shapiro, Director
Office of Solid Waste

cc: Richard Kinch

Attachment

Olin Chemicals
P.O. Box 248, 1186 Lower River Road
Charleston, Tennessee 37310
Phone: (615) 336-4000

June 27, 1994

Mr. Michael Shapiro, Director
Office of Solid Waste
U.S. Environmental Protection Agency
Mail Code 5301, 401 M Street S.W.
Washington, D.C. 20460

RE: Correction for Land Disposal Restriction Treatment
Standards for Nonwastewaters Residues of REMERC for K106
(Low Mercury Subcategory)

Dear Mr. Shapiro:

I am hereby requesting written confirmation that the treatment standard listed as the constituent concentration in waste extract (CCWE) for K106 nonwastewaters (Low Mercury Subcategory-less than 260 mg/kg Mercury-residues from RMERC) in Table CCWE of 40 CFR Part 268.41 is incorrect as 0.020 mg/L. The correct value for this treatment standard for K106 and U151 nonwastewater residues from RMERC should be 0.200 mg/L as listed in Table 7-5-B, Page 7-25 of the Final Best Demonstrated Available Technology (BDAT) Background Document For Mercury-Containing Wastes D009. K106, P065, P092, and U151, May 1990.

Olin operates a thermal recovery unit (TRU) under the definition of RMERC for mercury contaminated wastes and several questions have been raised by Agency personnel concerning what should the TCLP mercury concentration be in the residues (ash) from processing K106 nonwastewater materials. Since the value in Table CCWE in Part 268.41 has 0.020 mg/L instead of 0.200 mg/L as listed in the BDAT Background Document, this becomes an issue of discussion during every RCRA compliance inspection because there has not been a "technical correction" issued for this error in any form by USEPA.

Please confirm in writing that this is indeed a technical error as

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printed in Table CCWE of Part 268.41 and that the correct value should be 0.200 mg/L instead of 0.020 mg/L for K106 nonwastewaters (Low Mercury Subcategory-less than 260 mg/kg Mercury-residues from REMERC). Your cooperation in this matter is deeply appreciated.

Please contact me at (615) 336-4512 if you have any questions concerning this request.

Sincerely

OLIN CORPORATION

William C. Rankin
Manager Environment Services

cc:

S.E. Barnes

Janet Dutto, TN SWMD

W.G. McGlasson

W.D. Mitchell

J.P. Newman