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NCBC GULFPORT  
5090.3a

LETTER REGARDING U S EPA REGION IV CLARIFICATION OF THE REGULATORY  
STATUS OF WASTE GENERATED BY AN INCINERATOR TRIAL BURN OF SAND SPIKED  
WITH REAGENT GRADE TRICHLOROBENZENE AND HEXACHLOROETHANE NCBC  
GULFPORT MS  
1/14/1988  
U S EPA REGION IV



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

*Cal' Peng*  
*may want to see*  
*part of EPA*  
*was more than*

*File Trial*  
*Burn Sand*  
*Disposal*

JAN 14 1988

NCBC Gulfport Administrative Record  
Document Index Number

39501-SITE 8 INCINERATION  
09.02.08.0008

Mr. Paul D. Sylvestri  
Versar Inc.  
6850 Versar Center  
P.O. Box 1549  
Springfield, VA 22151

9.2.8.8

Dear Mr. Sylvestri:

This letter is a response to your letter of October 5, 1987 to Robert Scarberry. In it you request clarification of the regulatory status of the waste generated by an incinerator trial burn of sand spiked with reagent grade trichlorobenzene and hexachloroethane. Specifically, you were concerned about the hazardous waste status of the incinerator residue, since hexachloroethane is a commercial chemical product that becomes a hazardous waste when it is disposed (U131).

In determining whether the incinerator residue is a hazardous waste, the threshold question is whether the sand, which was spiked with a commercial chemical product that is listed in 40 CFR 261.33 (as U131), as part of the trial burn, was a solid waste within the meaning of 40 CFR 261.2 at the time it was spiked with the chemicals. When the sand was mixed with the chemicals, the sand becomes a solid waste and the chemical becomes a hazardous waste (U131) because the intent is to incinerate the mixture. 40 CFR 261.2 clearly indicates these materials are solid wastes, unless excluded by 40 CFR 261.4(a) or by a variance under 40 CFR 260.20, 260.22, or 260.31. Accordingly, the mixture of U131 with sand is a hazardous waste by virtue of the "mixture rule", which provides that the mixture of a listed hazardous waste with a solid waste constitutes a hazardous waste. (See 40 CFR 261.3(a)(2)(iv)).

As a result, the residue from the trial burn also would be a hazardous waste (via the "derived-from" rule, 40 CFR 261.3(c)(2)(i)) because the residue is derived from a listed waste.

If you require additional information, please call Edwin F. Abrams at (202) 382-4787.

Sincerely,

*Marcia Williams*  
Marcia E. Williams  
Director, Office of Solid Waste



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET  
ATLANTA, GEORGIA 30365

SEP 15 1988

4WD-RCRA

Mr. James R. Van Orman  
Deputy Director, Engineering  
and Services Laboratory  
Department of the Air Force  
Headquarters Air Force Engineering  
and Services Center  
Tyndall Air Force Base, Florida 32403-6001

RE: Minor Permit Modification Request  
Naval Construction Battalion Center, Gulfport, Mississippi  
EPA I.D. Number MS2 170 022 626

Dear Mr. Van Orman:

This letter is in response to your August 22, 1988, request for a minor modification of the above referenced permit. Specifically, the following modifications have been requested:

1. An increase in the number of operational days from 250 to 280 days.
2. A change in Permit Condition III.C. to allow a contingency increase in the quantity of treated soil from 14,000 to 15,500 cubic yards.

Justification for these requests are as follows:

1. According to a recent internal audit of soil excavation, approximately ten (10) percent more soil was excavated than was necessary. This excess resulted from the inability to maneuver and operate heavy excavation equipment to predefined limits. This impacted the estimate of the total volume of contaminated soil. Variability in the soil bulk density (essentially the moisture content) also affected the soil quality assessment and impacted the operating days necessary for successful thermal treatment.
2. Based on the most recent performance schedule for the RD&D incinerator, the current permit limits are barely enough to complete the research effort. Approximately ten (10) percent contingency over the permitted volume of soil and operating days is needed to ensure the completion of the entire scope of research.
3. It is noted that there will be no change in the original scope of the project and the area to be excavated. Also the permit expiration date of August 4, 1989, will remain unchanged.

According to the provisions of 40 CFR 270.65(d) and 270.42(f), these allowances qualify as minor changes to the permitted activity. The Agency

has also taken into consideration the total lack of public comments relating to a recent major permit modification. A forty-five (45) day public comment period began on June 8, 1988, and ended on July 25, 1988. Since no public response was received, the tentatively scheduled public hearing was cancelled and the modification was issued on July 29, 1988. This major modification significantly increased the quantity of contaminated soil to be treated from 11,000 to 14,000 cubic yards. Because the RD&D permit included terms and conditions that assured protection of human health and the environment, no public concern was aroused.

Based on the above information, EPA approves the two (2) minor modifications to the RD&D permit as requested.

If you have any questions concerning this matter, please contact Leo Romanowski of my staff at (404) 347-3433.

Sincerely yours,



Patrick M. Tobin  
Director  
Waste Management Division

cc: Sam Mabry, MSDNR  
Major Terry Stoddart, NCBC

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
RESEARCH, DEVELOPMENT AND DEMONSTRATION PERMIT  
FOR HAZARDOUS WASTE TREATMENT

Permittees: U.S. Navy Permit Number: MS2 170 022 61  
U.S. Air Force  
Facility: Naval Construction Battalion Center

This permit is issued by the United States Environmental Protection Agency (EPA) under authority of the Resource Conservation and Recovery Act Subtitle C, 42 U.S.C. §§6921-6931 (1976, Supp. IV 1980 and Hazardous and Solid Waste Amendments of 1984) (RCRA) and EPA regulations to the United States Air Force and the United States Navy (hereafter called the Permittees), to operate a hazardous waste research, development and demonstration facility located in Gulfport, Mississippi at the Naval Construction Battalion Center (NCBC) at latitude 30° 18' and longitude 89° 12'. The project will test incineration and chemical treatment as a waste treatment process to decontaminate soils that are contaminated with dioxin from Herbicide Orange.

The Permittees must comply with all terms and conditions of this permit. This permit consists of the conditions contained herein (including those in the attachments) and the Regulations specifically contained in this permit.

This permit is based on the assumption that the information submitted in the permit application attached to the Permittee's letter dated January 29, 1986, as modified by subsequent amendments dated April 2, 1986 and May 9, 1986 (hereafter referred to as the application) is accurate and that the facility will be constructed and operated as specified in the application. Any inaccuracies found in this information may be grounds for the termination or modification of this permit (see 40 C.F.R. §270.41, §270.42 and §270.43) and potential enforcement action (42 U.S.C. §6925(g)). The Permittees must inform EPA of any deviation from or changes in the information in the application which would affect the Permittee's ability to comply with the applicable regulations or permit conditions.

A modification to this permit, as public noticed on June 8, 1988, changed permit Condition III.C. from 11,000 cubic yards to 14,000 cubic yards.

A modification to this permit, as approved in EPA's letter dated September 15, 1988, to the permittee, change permit Condition III.C. from 14,000 to 15,500 cubic yards and added thirty (30) operational days.

This permit is effective as of August 4, 1987, and shall remain in effect until August 4, 1989, and shall not exceed 280 operating days after commencement of experimental treatment. This permit may be revoked and reissued, or terminated in accordance with 40 C.F.R. §270.41, §270.43 or §270.65.

9/15/88

Date

Patrick M. Tobin

Signature

Patrick M. Tobin, Director  
Waste Management Division

PART III - INCINERATION TREATMENT

III.A. CONSTRUCTION

The Permittees shall construct and maintain the incinerator in accordance with the attached plans and specifications, Attachment I.

III.B. PERFORMANCE STANDARD

The Permittees shall construct and maintain the incinerator so that, when operated in accordance with the operating requirements specified in this permit, it will meet the following performance standards.

1. The incinerator must achieve a destruction removal efficiency (DRE) of 99.9999% for 2,3,7,8 tetrachlorodibenzo-p-dioxin (TCDD) and dibenzofuran.
2. The Permittees must control hydrogen chloride (HCl) emissions, such that the rate of emissions is no greater than the larger of either 1.8 kg/hr or 1% of the HCl in the stack gas prior to entering any pollution control equipment.
3. The incinerator must not emit particulate matter in excess of 130 milligrams per dry standard cubic meter when corrected for the amount of oxygen in the stack gas in accordance with the formula specified in 40 CFR §264.343(c).
4. Compliance with the operating conditions specified in this permit will be regarded as compliance with the above performance standards. However, evidence that compliance with such permit conditions is insufficient to ensure compliance with the above performance standards may be "information" justifying modification, revocation or reissuance of the permit pursuant to 40 CFR §270.41.

III.C. MAXIMUM WASTE TO BE TREATED

The Permittees may treat up to 15,500 cubic yards of material identified in permit Condition III.D.

III.D. LIMITATION ON WASTES

The Permittees shall treat with incineration the following hazardous wastes:

<u>Waste Code Number</u>	<u>Description</u>	<u>Feed Rate</u>
F027	Soil contaminated with Herbicide Orange	0-5.3 tons/hr



MISSISSIPPI DEPARTMENT OF NATURAL RESOURCES  
Bureau of Pollution Control  
P. O. Box 10385  
Jackson, Mississippi 39209  
(601) 961-5171



September 21, 1988

Terry L. Stoddart, Maj. USAF, BSC  
Chief, Environmental Restoration R & D  
Department of the Air Force  
Headquarters Air Force Engineering and  
Services Center  
Tyndall Air Force Base, Florida 32403

Dear Major Stoddart:

Our office has received your closure notification and closure plan as required by the above referenced permit. After careful review, we see no problems with the plans as submitted. In response to your suggested modification to clarify permit language regarding closure, we feel that this will not be necessary. We will note in our files that since your waste disposal system is located within a military facility, the premises will not be closed or abandoned.

As soon as the facility is completely shut down, we request that you notify us in writing. Our office will then schedule an inspection of the facility to verify the facility is shut down and that the closure plan has been carried out. Pending a satisfactory inspection, our office will then recommend to the Permit Board that your permit be revoked.

If you have any questions or comments, please call me at (601) 961-5171.

Sincerely,

A handwritten signature in cursive script, appearing to read "Jerry C. Beasley".

Jerry C. Beasley  
Industrial Wastewater Control Section

JCB:eb