



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV

345 COURTLAND STREET, N.E.
ATLANTA, GEORGIA 30365

FEB 12 1991

4WD-RCRA&FFB

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Commander
Lexington Blue Grass Army Depot
ATTN: Terry Hazle
Highway 421
Richmond, Kentucky 40475

RE: Part B Permit Application for Treatment Under Subpart X
Lexington Blue Grass Army Depot, Lexington, Kentucky
EPA I.D. NO. KY8 213 820 105

Dear Commander:

The purpose of this letter is to inform you of Region IV's position concerning the permitting of open burning/open detonation (OB/OD) under Subpart X of the Resource Conservation and Recovery Act (RCRA).

A cursory review of Part B Permit Applications received so far indicates that very little information is presented as justification for use of OB/OD as the chosen technology to treat explosive waste. 40 CFR §264.17(b) explicitly states:

Where specifically required by other sections of this part, the owner or operator of a facility that treats, stores or disposes ignitable or reactive waste, or mixes incompatible waste or incompatible wastes and other materials, must take precautions to prevent reactions which:

- (1) Generate extreme heat or pressure, fire or explosions, or violent reactions;
- (2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health or the environment;
- (3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
- (4) Damage the structural integrity of the device or facility;
- (5) Through other like means threaten human health or the environment.

Since ". . . a ban on open burning of hazardous waste [is] contained in the General Facility Standards section . . ." (45 FR 33217) of both 40 CFR Parts 264 and 265, treatment of waste explosives or explosive material is considered to be the exception, not the rule. This exception was promulgated as an interim status regulation (40 CFR §265.382) due to comments received on the above regulation to the effect that it was unsafe, at that time, to treat waste explosives in any manner other than OB/OD.

"The Agency regards the Subpart X rule [40 CFR §§264.600-603] as means of allowing flexibility for technological development and innovation." (52 FR 46947). This regulation was not intended to perpetuate use of technology that results in uncontrolled release of hazardous material to the environment (i.e., OB/OD). Therefore, all treatment units for which Subpart X permit applications were submitted, must contain sufficient information to justify the use of OB/OD as the chosen treatment technology.

Although there are inherent safety problems with handling waste explosives, as reflected in the long history of accidents that have occurred at explosive manufacturing facilities, the Agency believes that safe alternatives to open burning or open detonation of these materials can and should be developed.

As a result of the above considerations, the region will only consider issuing Subpart X permits for units which OB/OD explosive waste under the following circumstances:

- (1) No alternative treatment method exists or is available; and
- (2) Each item in the waste stream has the potential to detonate (must consider explosions, scenarios, etc., since this condition must be process specific -- must consider handling, etc.)

Regulated treatment or disposal units located within impact ranges will not be permitted due to the inability to adequately monitor soil or groundwater safely or accurately.

Choice of treatment technology must be justified in terms of lack of alternatives and protection of human health and the environment, and must address at a minimum the following alternatives: incineration with size reduction, recycling, waste minimization, and off-site options.

If you still intend to pursue a permit to operate an OB/OD unit under Subpart X, please submit documentation which justifies continued use of the existing unit(s) including, at a minimum, a detailed evaluation of alternative technologies. If this information is not submitted, the permit may be denied.

If you do not intend to pursue a permit for your existing unit, please submit a closure plan which satisfies the requirements under 40 CFR 265. If you plan to continue treatment of explosive waste at your facility using an alternative technology, an application for a new replacement unit will be required, and should contain the above referenced justification for your chosen technology.

Submittals, which include justification documents and closure plans, are due sixty (60) days from receipt of this letter. Please send two (2) copies of these documents to the EPA and two (2) copies to the State at the following addresses:

U.S. Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, Georgia 30365
Attention: James H. Scarbrough, P.E.

and

Ms. Susan Bush, Director
Division of Waste Management
Kentucky Department for Environmental Protection
Fort Boone Plaza, Building #2
18 Reilly Road
Frankfort, Kentucky 40601

Permits will only be issued for treatment of specific munitions or reactive wastes for which an adequate justification is provided. If you have any questions, please contact David McNeal at (404) 347-3433.

Sincerely yours,


Donald J. Guinyard
Acting Director
Waste Management Division

cc: Ms. Susan Bush, KDEP

