UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

February 18, 1992

Mr. Richard Fosco
Franklin Environmental Services, Inc.
185 Industrial Road
P.O. Box 617
Wrentham, MA 02093

Dear Mr. Fosco:

This letter is in response to your January 23, 1992 telephone request for a regulatory interpretation of the applicability of the Land Disposal Restrictions (LDR) to lead contaminated debris. Because EPA does not have all of the specifics concerning your waste, no definitive answer can be given for this scenario. What follows is an explanation of Region I's interpretation of the regulatory status of wastes similar to those you have described.

The scenario you have outlined involves a mixture of inorganic solid debris, as defined in 40 C.F.R. § 268.3(g), and organic debris contaminated with lead dust, EPA hazardous waste number D008. If, in fact, the inorganic debris you have identified can be considered inorganic solid debris contaminated solely with characteristic metal wastes, such debris would be eligible for a LDR National Capacity Extension (NCE), pursuant to 40 C.F.R. § 268.35(c). As outlined in a letter from EPA's Sylvia Lowrance to Mr. G.A. Vogt, dated October 14, 1990, and further discussed in the Technical Amendment Notice to the LDR Third Scheduled Wastes Final Rule, 55 Federal Register 3872, dated January 31, 1991, organic solid debris contaminated with EPA hazardous waste numbers D004-D011 may also be included in the extension for inorganic debris where such organics cannot be "...manually separable or separable by simple mechanical means" from the inorganic portion. Such determination would be made at the point of generation of such debris. Region I believes that the waste mixture that you have explained involves organic debris (identified as consisting of PVC pipe, wood, wallboard, and protective clothing) which should be easily separable from the inorganic debris (identified as consisting of machinery, pipes, ducts, and valves). Therefore, the Region does not believe that the organic debris, such as you have described, should be eligible for the extension afforded to inorganic solid debris.

The organic debris you have explained may, however, qualify as a debris contaminated with a "Third Third" waste whose treatment standard was based on the performance of incineration. Such wastes have been granted an NCE pursuant to 40 C.F.R. § 268.35(e) which expires on May 8, 1992 . To accomplish this, your waste must satisfy two conditions: 1) it must fit the definition of debris, and 2) the treatment standard must be based on the performance of incineration.

Region I considers debris to be defined as follows:

Debris means solid material that:
(1) Has been originally manufactured or processed, except for solids that are listed wastes or can be identified as being residuals from treatment of wastes and/or wastewaters, or air pollution control devices; or
(2) Is plant or animal matter; or
(3) Is natural geologic material exceeding a 9.5 mm sieve size including gravel, cobbles, and boulders, or is an inseparable mixture of such materials with soil, liquid, sludge, or other solid waste materials (i.e., inseparable by simple mechanical removal processes).

This definition can be found as part of the Proposed Rule for the LDR for Newly Listed Wastes and Contaminated Debris, 57 Federal Register 958. This is presently the operative definition in Region I.

At 55 Federal Register 22555 (June 1, 1990), EPA states "...as a matter of treatment policy...prohibited metal wastes that are generated as an organo-metallic or in an organic matrix can be incinerated...to destroy the organo-metallic bond or the organic matrix containing the metal, prior to subsequent treatment of the ash (if necessary), in order to comply with the concentration-based standard or prior to application of the technology-based metal treatment standard. This includes characteristic metal wastes that are identified specifically as 'debris'. D004 through D011 wastes identified as debris that are comprised primarily of organic materials are referred to as 'organic debris' (e.g., rags, paper, cardboard, clothes, gloves, paints, paint chips, wood, grubbing materials, blankets, hoses, bags, resins, plastic liners, and PVC piping)." This essentially identifies incineration as a preferred step in a treatment train of technologies in treating organic debris. Therefore, incineration may be considered part of the Best Demonstrated Available Technology (BDAT) for wastes in this category. Soil and debris contaminated with "Third Third" wastes whose BDAT is incineration, have been granted a National Capacity Extension, pursuant to 40 C.F.R. § 268.35(e), and are not subject to the treatment standard(s) until May 8, 1992.

This rationale is supported by EPA's recent proposed rulemaking, published on January 9, 1992 (57 Federal Register 958) which outlines the Agency's future approach to hazardous waste contaminated debris. In that proposal, the treatment technologies identified as appropriate (and therefore BDAT) for debris consisting of wood, paper, cloth, rubber, and/or plastic contaminated with a non-volatile metal (e.g., lead) are as follows: acid washing, liquid phase solvent extraction, water washing and spraying, thermal destruction, abrasive blasting

(wood only), scarification and grinding (wood only), and vibratory finishing (wood, rubber, and plastic only). Immobilization technologies have been determined to be inappropriate for these types of debris (however, treatment residues may require immobilization prior to disposal). Again, the identification of thermal destruction (i.e., incineration) as one of the proposed BDAT technologies for contaminated debris supports the inclusion of incineration as an acceptable technology for these wastes at the present time. EPA supports the use of extraction technologies, where the hazardous waste is removed from the debris, thus reducing the quantity of untreated waste, wherever feasible. However, where the use of such technologies are inappropriate or inadequate, incineration may be a viable alternative.

I trust that this information will assist you in your determination of the regulatory status of your waste. Bear in mind that the interpretations herein are those of EPA Region I. If you intend to ship your waste to a facility located in another EPA Region, that EPA regional office, as well as the receiving state (if authorized for this aspect of the RCRA program), should be contacted for their interpretation of these regulations.

If you have any further questions on any of the information above, or the Land Disposal Restrictions program, feel free to contact me at (617) 573-5778.

Sincerely,

Robert G. Cianciarulo, Chemical Engineer
Land Disposal Restrictions Coordinator
RCRA Enforcement Unit
RCRA Support Section