

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

July 1, 1992

C. Richard Bozek
Manager, Environmental Programs
Edison Electric Institute
701 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2696

Dear Mr. Bozek:

The purpose of this letter is to summarize the Agency's activities with respect to studying the issues associated with the remediation of contaminated soils at historic manufactured gas plant (MGP) sites.

As you know, the Agency has established an MPG Remediation Workgroup to evaluate ways to facilitate the voluntary clean-up of these sites under the current RCRA regulations. There is information available to the Agency which indicates that contaminated soils generated at these sites can be successfully burned with coal as a fuel to generate electric power in high efficiency utility boilers in a manner that is protective of human health and the environment. The Agency is working with utility industry to determine how existing regulations would apply to this practice and to identify ways to streamline the clean-up without compromising protectiveness.

EPA believes that the burning of these materials in utility boilers can be facilitated by rendering any remediation waste that exhibits a hazardous characteristic non-hazardous before it leaves the generation site. This may be accomplished in a manner consistent with EPA regulations through the use of 90-day accumulation units covered by 40 CFR Section 262.34(a). The non-permitted status of such units is unaffected by any waste mixing that may occur in such units during the 90-day accumulation period and if the waste thereafter no longer exhibits a hazardous characteristic, any further management of the waste no longer would be subject to Subtitle C of RCRA. In that circumstance, there would be no regulatory obstacle under EPA's RCRA regulations to the burning of such materials in utility boilers.

We will continue to work with the industry to develop a document that will describe procedures for implementing such a remedial strategy. While States are not precluded from adopting more stringent regulatory requirements, it is EPA's hope that States and other regulatory authorities will recognize the benefits of facilitating site clean-up and thus promoting voluntary action by the utility industry.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste

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