

CORRESPONDENCE/MEMORANDUM

→ HW Notif file

Date: April 27, 1989

File Ref: 4430

To: Freeman Chemical File

From: Pam Mylotta *PAM*

Subject: April 13, 1989 Meeting

This memo was drafted on April 13, 1989.

Representatives of Freeman Chemical met with DNR staff to discuss issues about the final license and closure of the existing interim status units.

Freeman representatives:

Russell Cerk - Freeman
Lee Barwick - Freeman
Curt Wiskirchen - Freeman
Craig Boswick - Freeman
John Choren - Triad Engineering Inc.

DNR Representatives:

Pam Mylotta - Southeast District
Ed Lynch - Solid Waste Bureau

Freeman had submitted an agenda of items they wanted to discuss at the meeting. Craig had faxed this to me on April 5.

We tried to discuss these items in the order of the letter. I began by explaining how the final license issuance relates to interim status. I explained that the idea behind interim status and licensing was to give companies with existing hazardous waste units a mechanism to operate under until they obtain a final license for those units. The final license is meant to replace the interim license and the purpose for pursuing a final license is to demonstrate to the Department that the interim status units will be brought into compliance with the final operating requirements of NR 181. When a company is asked to submit the plans for final licensing, the company should either submit those plans or submit an intent to close the facility. I explained that Freeman had submitted a plan to replace the interim status units instead of bringing these units into full compliance with NR 181 standards. John Choren interjected that s. NR 181.55 says a final or interim license action could be taken on one unit without affecting the license status of another unit. I said that is true but it only allows the Department to consider units as separate entities. It doesn't replace the purpose of the interim license into final license process. In other words, if at the time Freeman was called in for its Part B and Feasibility Report, it had intended

on handling the units separately, then Freeman should have submitted either a Plan for Closure of the existing units or a FR/PO for the existing units to get a final license for those units. To expect to extend the operation of the interim status units, now, beyond the issuance of the final license is not consistent with the earlier proposal by Freeman to replace the units. Any misunderstanding of this concept by Freeman is unfortunate but the Department does not have a lot of flexibility in this issue. Not only does the Department have responsibilities under NR 181, EPA has expectations and so does the public based upon what has been represented by Freeman in the past. I said with all this in mind, we do recognize that the licensing process for incinerators is somewhat awkward, in that, the license is issued before the shakedown period. Russ said that they were allowed to do the trial burn on the Chatham facility before the final permit was issued. Ed asked if this was an existing facility and Russ said it was. Ed said the permitting process is somewhat different for existing facilities. We got back to the subject and I said we might be able to allow a closure schedule for the existing liquid incinerator to allow it to be available for use during the shakedown and trial burn.

We also discussed the time frames associated with the final license and what could take place to delay issuance. I said there was a possibility for a hearing. Ed said that if people requested a hearing, the Department would be obliged to hold one. Russ asked doesn't the request have to be in a certain written form. I said yes. I also said EPA could hold a public hearing upon request, because this is the first issuance of the "Draft" EPA permit. Craig asked if public notice of the closure plan would affect final license issuance. I said no. We explained also that, to date, no comments had been received and everyone agreed that it is not likely that a hearing will be requested based on the history of this project. Ed said also after the close of the public comment period, on May 15, that we would have to review any comments received and respond if necessary. Then we'd have to inform the environmental assessment group of the comments received and they have to sign off on the environmental assessment. Then there is some time taken to actually process the license issuance. I said we still have to review the as-builts and determine that the facility has been constructed properly. Ed thought the license might be issued by June 1, assuming everything goes smoothly.

Russ said they would prepare a schedule of how they would run the incinerators, old and new in the shakedown/trial burn period. Then we can look at it and decide if it is acceptable. He said they had no intention of running the units simultaneously and plan to use the new incinerator only - unless something goes wrong during shakedown/trial burn. Ed said they could maybe do this as long as they did not run the units simultaneously and if the Department approves the schedule.

Lee bought up the solids incinerator and asked how that unit had to be managed in this process. I said that since the new unit is really replacing the liquids incinerator and Freeman had planned to stop using the solids incinerator, that this unit should be closed as soon as possible after license issuance.

Lee said he had planned, based on Freeman's understanding, on having until November 8 to get his staff trained in waste handling and minimization. He said he believed that he could effectively reduce the amount of solid hazardous waste in that time period. He said further that he didn't think there was much hazardous solid waste at this time but he didn't have good numbers. We tried to get him to say what it would take to accomplish what he wants to do but he couldn't give a definite answer except that they had planned on having everything done by October. I said that it appears that, in reality, the main impact on Freeman from having to move up the date of closure would be economic, due to having to ship hazardous waste off site sooner. I said typically economic hardship is not evaluated in Department decisions on these types of issues. Ed said to look at the variance language which specifically says economic hardship is not to be a justification for a variance from a license.

John Choren said the alternative to burning this waste on-site would be landfilling and that we should agree that landfilling is less desirable than incineration. Ed said yes but that in many cases, the land disposal restrictions would require treatment first and this would probably mean incineration. Ed also printed out that off-site incineration is available and landfilling is thus not the only alternative.

Last we discussed the closure plan. Ed said that some review has been done. Mark Tusler has had a chance to look at it and so has Ed but only briefly. Ed said he knew that Freeman would have to submit an evaluation of the soil data available in the area and address the contamination in the storage and incinerator area. Russ said he thought that they had done everything necessary already through the corrective action which was approved by EPA and DNR. He said they knew the entire site is contaminated and that's why the drains and wells were constructed - to remediate the site, of which the hazardous waste areas are a part. Ed said that, in fact, the RCRA closure requirements dictate that all hazardous waste and waste residue be removed unless a landfill is closing. He said at least Freeman should present an evaluation of the effectiveness of the corrective action to remediate the hazardous waste areas consistent with closure requirements and include a plan sheet showing the units in question and the data available. Russ said they could have Hatcher do this. Ed reminded them that while we want to give them some guidance, we can't act as consultants for them. We can't be expected to do these evaluations for them - we can only respond to and comment on their submittals. Russ said they could get the information. Craig asked if we could public notice the closure plan before this information is submitted. Ed said we would prefer to wait until they submit this information because the public notice will let the public know we have a plan in house available for review. This means we probably won't public notice it until about May 15 if Freeman gets the information to us by May 1. Then the closure plan approval would not be issued until after June 15. Lee asked if that meant they couldn't close down the units until the closure approval is issued. I said no, they could shut down the units at any time. The closure approval will give them the go ahead on decontamination.

At the close of the meeting, Russ said they will submit the soils information and a time table for closure of the existing units. Craig asked that we let them know of public comments on the license.

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C: Ed Lynch - SWB 4/28/89