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LETTER DISCUSSING PRE-APPLICATION MEETING DATED 14 FEBRUARY 1986 NWS
EARLE NJ
3/24/1986
STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION



EARLE FILES
BOX #

A-11

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

DIVISION OF WASTE MANAGEMENT
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CERTIFIED MAIL - RETURN RECEIPT REQUESTED

R. A. Turner, Jr.
Captain, U.S. Navy
Commanding Officer
Naval Weapons Station Earle
Route 34
Colts Neck, NJ 07722

24 MAR 1986

RE: U.S. Navy, Naval Weapons Station Earle, EPA ID NO. NJ 017 002
2172

Dear Captain Turner:

A pre-application meeting was held in the conference room of the Bureau of Hazardous Waste Engineering, NJDEP on February 14, 1986. Attendees are shown on attached Exhibit I.

The purpose of the meeting was to afford discussion between NWSE representatives and Department personnel regarding permitting requirements for the facility under RCRA regulations. The items that may be included in NWSE Part B permit application were discussed.

The subjects discussed are listed below, along with the applicable comments on permitting requirements together with DEP determinations:

1. Closure of 2000 gallon underground waste oil tank located at Building C-14

A Closure Plan for this tank was submitted by NWSE on January 6, 1986. Inasmuch as this tank is no longer in use, the Bureau of Hazardous Waste Engineering will review this document as a separate entity. The Bureau is agreeable to its exclusion from the facility Part B application provided the tank is kept out of service, and closure activities are implemented promptly upon approval of the closure plan by the Department.

2. Demilitarization Furnace

A. Designation of this unit as an Incinerator

NWSE was informed at this meeting that operation of the Demil. Furnace is considered to be incineration. This unit

will have to be permitted as a hazardous waste incinerator. A trial burn may be required.

It is acknowledged that by letter dated October 21, 1985 (Frank Coolick to William R. Nicol), the Department had characterized the Demil. Furnace as a hazardous waste thermal treatment unit, used for the treatment of reactive hazardous waste identified by EPA Hazardous Waste Number D003. However, subsequently, it was learned that guidance from EPA Headquarters indicated that this special use furnace should be classified as an incinerator.

NWSE was informed of the EPA decision by letter dated Dec. 12, 1985 (Richard M. Walka, Chief, EPA Solid Waste Branch to Captain P. Benson, NWSE).

In addition, in a letter dated October 3, 1985 (Jack W. McGraw, Deputy Assistant Administrator, EPA Headquarters to Mr. Carl J. Schafer, Jr., Office of the Assistant Secretary of Defense) it was pointed out that burning of munitions in military deactivation furnaces is "considered to be incineration because the main purpose of the activity is waste treatment".

Copies of the above noted letters are enclosed as Exhibit II and Exhibit III.

B. Classification of Demil. Furnace feed material and discharge products

The following was agreed upon between NWSE and this Bureau:

- a) Storage of munitions to be fed to the Demil. Furnace will not be RCRA regulated as a hazardous waste storage activity. The munitions are considered to have potential firing use (value) until the moment that a decision is made to burn them, as evidenced by actual placement on the incinerator conveyor (feed) belt.
- b) Fly ash (lead rich) collected in the emission control system is to be handled and stored as hazardous waste under RCRA regulations.
- c) Casings and other metal retrieved from the incinerator will be disposed of as non-hazardous scrap metal.

3. EOD Area - Open Burning

The following was indicated by NWSE representatives:

- a) The EOD area is used for training of Naval personnel in disposal of explosives.

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- b) Up to 90% of the material disposed in the EOD Area is delivered to the site from off-site sources - local police, schools, etc.
- c) Operation of the EOD area is considered important as a "community service" often used for emergency disposal of explosives.
- d) NWSE plans on installing at least four (4) ground water monitoring wells in the area.

NWSE representatives also stated that the administrative (paper) work demands that would be required of them if the EOD area required permitting could be a prohibitive factor in continuing operation of this facility as a "community service".

NWSE was informed at the meeting that a decision on permitting requirements would be forthcoming from the Department after further review of this situation. A review was carried out, and the following determinations were made by the Department:

- 1. The EOD area will be regulated under N.J.A.C. 7:26-1 et seq. as a Thermal Treatment facility and requires permitting. Hence, permit application requirements pursuant to N.J.A.C. 7:26-1 et seq. would have to be met.
- 2. At a minimum, the following standards for open burning will apply:
 - A. If no wastes are received from off-site for treatment in the EOD area, then compliance with N.J.A.C. 7:26-11.6(e) is required. This includes the following:
 - i. The wastes must meet the characteristics of "explosive" or "highly reactive" as defined in N.J.A.C. 7:26-11.6(e).
 - ii. A current valid permit for open burning issued by the Division of Environmental Quality, N.J. Bureau of Air Pollution Control must be obtained and maintained in force by NWSE.
 - iii. Specified distance from the open burning or deterioration site to the property of others must be maintained in line with the quantity of wastes treated.
 - Any permits which may be required by any other Regulatory Agency for operation of this facility will also have to be obtained and maintained by NWSE.
 - B. If wastes are accepted by NWSE from off-site sources for treatment in the EOD area, the following additional requirements will have to be met:

- NWSE will have to specify what waste categories will be accepted from off-site.
- ii. Explain the method of identification of the wastes received, and how it will be confirmed that the material delivered is as described by the generator.
 - iii. Quantities of wastes received and method of storage and treatment will have to be noted.
 - iv. When accepting wastes from off-site generated sources NWSE would be acting a commercial hazardous waste disposal facility even though no stipend may be involved. Therefore, NWSE would have to document these wastes shipments to comply with the reporting and recordkeeping requirements of N.J.A.C. 7:26-7.6(f).

Small quantity generators who wish to utilize your EOD facility for disposal of their explosive or highly reactive wastes are obligated to ensure delivery of the material to your site, but are not required to prepare a manifest. On the other hand, generators other than small quantity generators who transport or offer for transportation hazardous waste for treatment at NWSE EOD area must prepare a manifest before transporting the waste; and NWSE must confirm that a properly completed manifest form accompanies these waste shipments at delivery.

Regardless of the source of the waste to be handled at the EOD area, suitable records will have to be kept of waste receipts and treatment at the facility. Also, methods and procedures will have to be established to assure that handling and treatment of the explosives and highly reactive wastes will be carried out in a manner that will not cause unauthorized discharge of pollutants to land, surface water or ground water.

4. Drum Storage Areas

The two designated hazardous waste drum storage areas - Quonset Hut and at Reclamation Furnace - will be included in Part B permit application.

Storage of fly ash in the Demil. Furnace area would require permitting unless this waste is placed in containers which are handled in full compliance with all the provisions of N.J.A.C. 7:26-9.3. One of these provisions requires that these containers be removed from that location within 90 days from the date that accumulation begins.

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5. Reclamation Area Furnace

Determination as to permitting requirements for this area will be held in abeyance pending receipt by this Bureau of an explanatory letter that is to be submitted by the DOD contractor who operates that facility. It is understood that this letter should be submitted to this Bureau within 2-3 weeks.

6. Bilge Waters

NWSE representatives explained the handling methods employed regarding bilge waters pumped into RR cars at the site from ships docked at the facility. It was also pointed out that only about 10% of the bilge waters taken in from ships is actually hazardous waste as defined by RCRA standards; and that hazardous/non-hazardous designation is confirmed by laboratory analysis.

Please be advised that EPA has made the following determinations regarding bilge water (engine-related) wastes:

1. Engine related wastes, including hazardous wastes are regulated as from the moment they are produced on ship.
2. The ship's owner and/or operator are designated as the generator of the waste.
3. The facility involved in removing the waste from the ship is not the generator because it is not causing the waste to be subject to regulation.
4. The facility involved in removing the waste from the ship may be a transporter or a treatment, storage or disposal (TSD) facility depending on the actions it takes.

Please be aware that if the manifested waste is stored for any period of time in tanks or containers at the port or terminal then this operation would be deemed a TSDF subject to permitting. According to your present method of operation, as described by NWSE representatives, bilge water storage activity should be included in your Part B application for permit. See Exhibit IV.

As a result of this Bureau's determinations which are described above, NWSE should do the following:

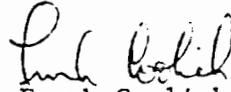
1. Take steps to assure that the DOD contractor letter explaining Reclamation Area activities is submitted within 30 days of the date of this letter.

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2. Make plans to include in Part B application all the hazardous waste activities designated in this letter as requiring permitting.

If there are any questions, please contact Mr. Ben Esterman at (609) 633-2971.

Very truly yours,



Frank Coolick, Chief

Bureau of Hazardous Waste Engineering

EP14/slw

Enclosures

cc: Wm. Matthaey

Angel Chang, USEPA