



Many Voices Working for the Community

Oak Ridge Site Specific Advisory Board

November 14, 2002

Ms. Jacqueline Okoreeh-Baah
Manager, Combustion Section
Division of Solid Waste Management
Tennessee Department of Environment & Conservation
5th Floor, L&C Tower
410 Church Street
Nashville, TN 37243

Dear Ms. Okoreeh-Baah:

Recommendation Concerning Department of Energy Oak Ridge Toxic Substances Control Act Incinerator Resource Conservation and Recovery Act Part B Permit Renewal

BACKGROUND:

The U.S. Department of Energy (DOE) Oak Ridge Toxic Substances Control Act Incinerator (TSCAI) was constructed in the 1980s to thermally treat Resource Conservation and Recovery Act (RCRA) hazardous and low level radioactive (mixed) waste containing polychlorinated biphenyls (PCBs). Routine operations began in 1991 after approximately five years of operational and compliance tests. TSCAI has operated as the only full-scale facility in the U.S. capable of incinerating mixed waste containing PCBs. The RCRA Part B permit for waste treatment was issued on September 28, 1987, effective for ten years. Initial permit conditions were modified based on a trial burn conducted in 1989 after results from a 1988 trial burn were inconclusive due to deficiencies of the independent sampling and analytical contractor. At the time that TSCAI was initially permitted, RCRA had basically three performance standards for emissions -- particulate matter, hydrogen chloride, and destruction and removal efficiency of principal hazardous organic constituents. Additional emission parameters were, however, addressed by other regulations. During the 1990s additional standards were developed under RCRA incorporating the evolving protocol for risk assessments associated with waste combustion. Around 1995 TSCAI permit conditions were modified to include limits on feed rates for RCRA hazardous metals. A metals trial burn was not performed. In 1997 there were initial public meetings on the process for renewal of the RCRA Part B permit. The trial burn was finally conducted in May 2001. A risk assessment work plan was submitted for approval by TDEC in 2000 and resubmitted again just recently without receipt of approval or comments. Final permit conditions depend upon completion of the risk assessment based on protocol in an approved work plan with results incorporated into a draft permit that has undergone public review.

COMMENT:

The public was given every reason to believe that TSCAI has been operated safely and far below permitted levels of stack emissions according to the Governor of Tennessee's Independent Panel in 1998. Additional assurance was based, at least in part, on proceeding to obtain trial burn and risk assessment results associated with the renewal of the RCRA Part B treatment permit then thought to be imminent. We understand there was some rationale for delay as draft EPA guidance on risk assessments was being finalized; however, we fail to see rationale for continued delay. Failure to proceed with action on the permit renewal seems inconsistent with the type of regulatory oversight the facility otherwise receives from the Tennessee Department of Environment and Conservation (TDEC) during review of every scheduled batch shipment of waste before it can be accepted for treatment.

RECOMMENDATION:

We recommend that TDEC Division of Solid Waste Management expedite the TSCAI RCRA Part B permit renewal to establish final permit conditions incorporating the risk assessment results after adequate review and comment by an engaged public.

The Oak Ridge Site Specific Advisory Board (ORSSAB) is an independent, federally appointed citizens' panel that provides advice and recommendations to DOE on its Oak Ridge Environmental Management (EM) Program. The group was formed in 1995. The Board is dedicated to providing informed recommendations and advice to the DOE EM Program regarding environmental restoration, stewardship, and waste management, as well as land use and economic development of contaminated areas. Recommendations regarding environmental justice, health and safety issues, and other subjects may be developed at the Board's discretion. The Board is committed to reflecting the concerns of the communities impacted by environmental management of the Oak Ridge Reservation and to serving as a communications link between the public and the relevant government agencies, including local governments.

We thank you for this opportunity to provide our input.

Sincerely,



David N. Mosby, Chair

cc: Gerald Boyd, DOE-ORO
Sherry Gibson, DOE-ORO
Milton Hamilton, TDEC
Pat Halsey, DOE-ORO
Connie Jones, EPA Region 4
John Owsley, TDEC
John Patterson, Bechtel Jacobs
Joy Sager, DOE-ORO