

Revisions to Standards for the Open Burning/Open Detonation of Waste Explosives

Discussion Topics for Virtual Stakeholder Meeting

The purpose of this stakeholder meeting is to solicit early feedback and ideas regarding how to amend the RCRA Subtitle C regulations pertaining to open burning and open detonation (OB/OD). (For background, please see the separate “Background Information” attachment.)

Specifically, EPA is considering revising or amending several regulatory requirements related to OB/OD, in light of current information about the availability of more protective alternatives to OB/OD.¹ We welcome your feedback on each of the potential changes below, based on your own perspectives and experience with OB/OD. While we prefer oral feedback at the meeting, written responses may be submitted in writing soon after the meeting by emailing:

RCRAPost@epa.gov. Please also note that there will be an opportunity for written public comment during the comment period on the proposed rule.

1. Alternative Treatment Technologies - EPA is considering adding an explicit regulatory requirement to evaluate available alternative treatment technologies and subsequently implement identified alternatives. Potential supporting requirements would be, for example:
 - a) A detailed waste characterization/analysis for each waste stream (i.e., not simply categories of wastes) currently being treated by OB/OD.
 - b) Inclusion of criteria that provide the basis for a comparative analysis of available technologies.
 - c) A mechanism to verify the adequacy and results of an alternative technology evaluation that is performed by the owner/operator. For example, third party certification of the results.

What considerations should EPA take into account for adding an explicit regulatory requirement?

What other standards should apply/be included in an alternative treatment technology evaluation?

What ideas do you have to improve EPA’s preliminary thinking or to address potential issues?

2. Scope of Applicability – who the rule should include/exclude. Specifically, should the rule
 - a) Include all treatment, storage, and disposal facilities (TSDFs) that conduct OB/OD;

¹ For further detail, please refer to the Stakeholder Background Information document provided with the invitation.

- b) Include all TSDFs plus OB/OD conducted in response to emergencies, conducted pursuant to RCRA cleanup, closure, corrective action, and CERCLA cleanups; or
- c) Same as b) except do not include certain time-critical emergencies in the rule (and provide clarifications related to emergency exemption provision in 264.1(g) and 270.1(c)(3) and emergency permit provisions in 270.61).

What pros and cons do you see with these scope options?

What ideas do you have to improve EPA's preliminary thinking or to address potential issues?

- 3. Timing for Rule Compliance – when should the new/revised requirements go into effect?
 - a) Should EPA require or recommend prioritization of facilities with higher potential for risk to human health and the environment?
 - b) Should EPA connect the timing for facilities to conduct evaluations to the rule effective date or permit actions? For example,
 - i. Should an OB/OD facility be required to conduct an evaluation of available alternatives 90 days after rule effective date, and reevaluate at least every 5 years; or
 - ii. Should an OB/OD facility be required to conduct an evaluation when there is a permit action (e.g., renewal, new unit, modification), but within 2 years after rule effective date, and for interim status units, 90 days after rule effective date, and reevaluate at least every 5 years?
 - c) How should EPA approach the timing for implementation of identified alternatives? Specifically, should EPA
 - iii. Allow flexibility, but require schedule of milestones with deadline for submission of schedule; or
 - iv. Not allow flexibility and require a schedule of milestones with deadline for submission and deadline for implementation?

What pros and cons do you see for these options?

Do you have ideas to improve these options, add new ones, or address potential issues?

- 4. Technical Standards for OB/OD Units - In recognition of a continued need for some OB/OD capacity, EPA would like to establish technical standards for OB/OD units. What technical standards do you think should be included in the rule? Examples can include:
 - Clarify postponed closure eligibility (e.g., postponement of closure to allow continued use of unit for OB/OD of non-waste items such as OB/OD of explosives for training purposes, OB/OD of waste explosives due to time-critical emergencies)
 - Specify closure requirements and closure plan contents
 - Detailed waste characterization and analysis requirements
 - Inclusion of location restrictions
 - Requirements to specify maximum allowable wind direction/speed and other meteorological conditions during OB/OD

- Requirements to track smoke plume direction, duration, and issue smoke advisories
- Requirements to notify community before OB events and smoke advisories
- Restrictions on frequency and/or duration of burns
- Restrictions on quantities of waste explosives allowed
- Prohibiting treatment of specific wastes such as depleted uranium, PFAS-containing waste, insensitive munitions
- Require use of platforms, liners, pans, or trench cover
- Require run-on and run-off controls to prevent contaminant migration
- Address kickout (i.e., treatment byproducts ejected from treatment area) and treatment residue management
- Specify frequency of monitoring soil and groundwater
- Require air monitoring

Keeping in mind that this rulemaking will focus on alternative technologies, what do you consider as the most important standards needed for design, maintenance, operation, and closure of OB/OD units that could be established now to help ensure national consistency in permitting and further reduce impacts to the environment?