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**PERMIT REQUIREMENTS FOR GLOVE BOX USE  
IN TREATABILITY TESTING FOR K-65 SILO  
RESIDUES**

**07-06-90**

**DOE/WMCO**

**DOE-13722**

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**LETTER**

1777



**Department of Energy**

**FMPC Site Office**  
P.O. Box 398705  
Cincinnati, Ohio 45239-8705  
(513) 738-6319

July 6, 1990  
DOE-1372-90

Mr. W. H. Britton, President  
Westinghouse Materials Company  
of Ohio  
P. O. Box 398704  
Cincinnati, Ohio 45239-8704

Dear Mr. Britton:

**PERMIT REQUIREMENTS FOR GLOVE BOX USE IN TREATABILITY TESTING FOR K-65 SILO RESIDUES**

Reference: Letter, WMCO:EC:90-0204, E. Savage to Gerald Westerbeck, "Permit to Install/Permit to Operate Determination on Glove Box" (WMCO:EC:90-0204), dated June 14, 1990

We concur with WMCO's position provided in the referenced letter not to submit a permit application or NESHAP application for the glove box to be used in treatability testing for the K-65 Silo residues. However, WMCO needs to understand the proper rationale for this decision to aid in future decisions, and needs to prepare additional information to provide to the U. S. and Ohio EPA's.

Section 121 (e) of CERCLA, revised NCP 40 CFR 300.400(e), and Section XIII A of the April 1990 CERCLA Consent Agreement provide an exemption from permitting requirements for removal or remedial actions conducted on site. More specifically, EPA's "Guide for Conducting Treatability Studies under CERCLA" (EPA/540/2-89-058, December 1989), addresses compliance with Regulatory Requirements in Section 3.9. The Guidance document states:

"Onsite treatability studies under CERCLA may be conducted without any Federal, State, or Local permits [40 CFR 300.68 (a)(3)]; however, such studies must comply with applicable or relevant and appropriate requirements (ARARs) under Federal and State environmental laws." (page 62)

Therefore, it is clear that potential air contaminant sources which are part of treatability studies conducted on-site are exempt from obtaining Federal NESHAP approval and Ohio air permits (i.e. the administrative requirements), although the substantive requirements must still be satisfied. Since the glove box will incorporate Best

1777

Available Technology (carbon absorption and HEPA filtration) for control of air contaminants, the glove box will comply with ARARs related to air emissions.

Section XIII (B) of the CERCLA Consent Agreement does require DOE to submit certain information to EPA. Therefore, we ask that WMCO provide the following information to my office by COB, July 13.

1. Identification of each permit that would be required;
2. Identification of the standards, requirements, criteria, or limitations that would have had to have been met to obtain each such permit; and
3. Explanation of how the response action will meet the standards, requirements, criteria, or limitations identified in item 2 above.

If you or your staff has any questions, please contact Behram Shroff of my staff at ext. 6003.

Sincerely,



Gerald Westerbeck  
FMPC Site Manager

DP-84:Shroff

cc:

B. L. Queener, SE-31,ORO  
S. M. Beckman, WMCO  
T. N. Tucker, LWA