

National Aeronautics and
Space Administration

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Cleveland, Ohio
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R. J. Koch
PB

Reply to Att of

0100

October 9, 1980

EPA Region V Office
RCRA Activities
P.O. Box 7861
Chicago, IL 60680

Gentlemen:

On July 22, 1980 the NASA Lewis Research Center submitted a Notification of Hazardous Waste Activity, EPA Form 8700-12 (6-80), relative to certain wastes located at the Lewis Research Center Plum Brook Station, Taylor and Columbus Roads, Sandusky, Ohio, 44870. Two wastes were identified as hazardous wastes in items IX B and IX C of that form.

This letter is to notify you that we no longer consider these materials hazardous wastes in our possession for the following reasons:

1. Item IX C, EPA Hazardous Waste No. U013, Asbestos:

In July 1980, at the time of our notification submittal, NASA had approximately 4680 cubic feet of formed block and pipe asbestos insulation stored in two buildings at Plum Brook Station. This asbestos material has been repackaged in DOT-approved shipping containers and disposed of off site as waste by a licensed commercial disposal operator. The buildings have been decontaminated and restored to a clean, safe condition.

2. Item IX B, EPA Hazardous Waste No. K047, Pink/red water from TNT operations:

The RCRA regulations are based on the premise that installation operations, whether they be generation, storage, disposal, or transportation, must be ongoing to be subject to the regulations. The surface impoundment of the wash waters from the manufacture of TNT at Plum Brook Station was terminated in 1945 when a U.S. Army Ordnance facility was closed. The purpose of this surface impoundment during the period 1942 through 1945 was treatment of the wash water waste. This facility thus meets the definition of an inactive facility in Section 260.10(a)(29) of the RCRA, since operations ceased in 1945 and will not be reinstated after the effective date of Part 261. EPA's policy in this regard is clarified in the supplemental information of Part IV, Subpart B which states that is not the intent of EPA to regulate portions of facilities closed before the effective date, and the statement "The subpart D standards and subpart E permitting procedures are not directed at inactive facilities." This policy is further clarified in the August 19, 1980 issue of the Federal Register, page 55387, wherein the EPA states "EPA regulations do not apply to inactive facilities." The imminent hazard provision of Section 7003 is applicable both to active and inactive facilities and can be used to obtain injunction relief should such facilities constitute an environmental hazard.

Letter to: EPA Region V Office
RCRA Activities (10-9-80)

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