

US EPA ARCHIVE DOCUMENT

Meeting minutes between EPA and Horsehead
April 17, 1996

In Attendance: James Berlow/EPA
Steve Silverman/EPA
Michael Petruska/EPA
Anita Cummings/EPA
John Moore/HRD
Tom Ovendon/TDJ

Meeting opened by Steve Silverman. Silverman stated that because this issue was in litigation that there was no need for industry to bring this before our Office Director. HRD duly noted this comment, and responded by stating that according to the Office Director this issue had been resolved. The meeting continued.

According to HRD the information contained in the Notice of Data Availability (NODA), scheduled for release in April, 1996 may or may not satisfy their fundamental concerns. Their concerns are 1) In 1991 the development of K061 was based on composite sampling, 2) In 1994 with the promulgation of Universal Treatment Standards (UTS), Phase II rulemaking, the basis for compliance was changed to grab without this issue being codified, 3) In 1991 data was based on composite sampling, and has been the sampling protocol in previous rulemakings since, 1991, 1992, and 1993. 4) This NODA does not really go to the core of the problem. HRD's response to the NODA is that we are not requesting additional data, and that nothing in the NODA states that a mistake was made by the Agency in promulgating grab where it should have been composite. There is nothing in the NODA stating that compliance would **not** be based on grab sampling. HRD questioned as to how the NODA relates to the litigation at hand.

EPA stated that the treatment standards are based on High Temperature Metals Recovery (HTMR), and stabilization. The HTMR technology is preferred by the Agency for its recovery, reuse, recycle application. The sampling protocol and treatment standards are a national standard being utilized by waste handlers throughout the country.

In closing the HRD issues are:

- o until final resolution of this matter what is the "interim status"
 - o HRD questioned the quality of our database
 - o because HRD has the lions share of this technology market, HRD Now wants time to develop a "grab sampling" protocol from their facilities (time frame of 6-18 months)
- o for future compliance what will be the sampling method
- o how will compliance be determined until this issue is resolved

In closing the EPA issues are:

- o EPA would not be able to finalize this issue at present, but would respond in a timely manner, and with enforcement discretion