

5. Burning Hazardous Waste for Energy Recovery

An owner or operator of a cement kiln located in a metropolitan area wants to burn hazardous waste for energy recovery. The metropolitan area around the facility has a population greater than 500,000, but the kiln is not within the boundaries of an incorporated municipality. Does the fact that the area has a population greater than 500,000 mean the owner or operator has to comply with the Subpart O requirements for hazardous waste incinerators under 40 CFR Part 264/265?

According to RCRA, §3004(q)(2)(c) and 40 CFR Section 266.31(c) no fuel containing hazardous waste may be burned by any cement kiln located within the boundaries of an incorporated municipality with a population greater than 500,000, unless such kiln complies with the requirements for incinerators under 40 CFR 264/265. Since the kiln is not located within the boundaries of an incorporated municipality, it does not have to comply with the requirements for incinerators when burning for energy recovery, regardless of the population. However, on May 6, 1987, EPA proposed a rule entitled "Burning of Hazardous Waste in Boilers and Industrial Furnaces" (52 FR 16982). That rule, when final, would regulate the burning of hazardous waste in all cement kilns. The final rule is scheduled to be issued in December 1988.

Source: Barbara Foster (202) 382-4751
Research: Joe Nixon

BOOZ~ALLEN & HAMILTON, INC.
FAXBACK 13099