

9432.1987(06)

INCINERATOR NOT CONSIDERED TOTALLY ENCLOSED TREATMENT

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JUL 2 1987

Marc R. Wolman, P.E.
EnerGroup, Inc.
The Thomas Block
116 Commercial Street
Portland, Maine 04101

Dear Mr. Wolman:

This letter is in response to your letter of June 19, 1987, in which you request an opinion on the regulatory status of a hypothetical waste treatment facility. Since the premises you provided in your example stipulate that the facility neither receives nor generates hazardous waste, none of the RCRA Subtitle C hazardous waste rules would apply (i.e., the hazardous waste rules only apply to the management of "hazardous waste"). However, if the facility was subject to the hazardous waste rules, incineration would not be considered "totally enclosed treatment" because some emissions would inevitably be released to the environment. (In your example, the incineration is of nonhazardous waste, so the point is moot.) You should also note that EPA does have RCRA Subtitle D guidelines for solid waste incinerators at 40 CFR Part 240; these guidelines are implemented through State regulations.

If you have any further questions in this area, please call Mike Petruska at (202) 475-6676.

Sincerely,

Original Document signed

Marcia E. Williams
Director
Office of Solid Waste

RO 11263