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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

April 12, 1995

Mr. John M. Adams, Jr.
Senior Attorney
American Electric Power Service Corporation
1 Riverside Plaza
Columbus, OH 43215

Dear Mr. Adams:

This letter follows up our March 10, 1995, meeting. At that meeting, the American Electric Power Service Corporation (AEP) asked for EPA's interpretation of whether scrubber waste leaving the bottom of a scrubber in a closed-loop flue gas desulfurization system owned and operated by AEP would be considered a "solid waste" as the term is defined in the Solid Waste Disposal Act of 1965. AEP has also asked whether EPA would consider the system processing the waste, as described in the enclosed materials provided by AEP, as having a solid waste disposal function.

We understand that as part of its compliance with the Clean Air Act Amendments of 1990, AEP chose to install scrubbers at its Gavin 2600-MW generating station. According to the materials provided by AEP, the facilities collect and separate calcium sulfite solids which come from the SO₂ lime scrubber (identified as the absorber vessel in the diagram) by separating the solids from the scrubber liquid. The scrubber liquid from the top of the thickeners is returned to the scrubber via a closed-loop system (i.e., no liquid discharge from the system). The thickened solids are removed and further processed prior to disposal in a landfill.

Using EPA's current solid waste regulations codified at 40 CFR Parts 260 & 261 and the materials provided by AEP, it is our interpretation that the scrubber waste would be considered a sludge which, if discarded (i.e., disposed of), would be considered a solid waste (40 CFR 261.2). The term "sludge" is defined at 40 CFR 260.10 as "any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial

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wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant." The scrubber waste, which is generated at your air pollution control facility, clearly falls within this definition of sludge.

We also believe the scrubber waste would be considered a solid waste under the definition of solid waste found in the Solid Waste Disposal Act of 1965:

"the term solid waste means garbage, refuse, or other discarded materials, including solid-waste materials resulting from industrial, commercial, and agricultural operations, and from community activities, but does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial waste water effluents, dissolved materials in irrigation return flows or other common water pollutants."

As noted on page 2 of the enclosed "First Report to Congress: Resource Recovery and Source Reduction," delivered to Congress on February 22, 1973, even though our understanding of solid waste was not as sophisticated as it is today, EPA did consider the term municipal waste to "...include residential, commercial, demolition, street and alley sweepings, and miscellaneous (e.g., sludge disposal) (emphasis added)."

Based on this information, we would consider the scrubber waste leaving the absorber vessel to be a sludge and a solid waste, according to both the definition of solid waste included in the Solid Waste Disposal Act of 1965 and EPA's current regulations.

If you have any questions or would like to discuss this matter further, please contact me or Angela Cracchiolo of my staff at (202)260-0163

Thank you for your interest in the safe and effective management of solid waste.

Sincerely,

Michael Shapiro, Director

Office of Solid Waste

Enclosure