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EXISTING INCINERATORS AND DATA IN LIEU OF TRIAL BURN

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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SUBJECT: Existing Incinerators and Data
in Lieu of Trial Burn

FROM: Bruce R. Weddle, Acting Director
State Programs and
Resource Recovery Division (WH-563)

TO: Division Directors, Regions I-X

Having spoken with many EPA regional hazardous waste program personnel and operators of existing incinerators, it has become apparent that some confusion existing concerning trial burn plans and data in lieu of trail burns. The purpose of this memo is to make clear that existing incinerators may submit data in accordance with the provisions of Section 122.25 (b)(5)(iii) on wastes that have been combusted during interim status. These facilities do not need to submit a trail burn plan for approval.

Section 122.25(b)(5)(iii) sets out the requirements for submitting data in lieu of a trail burn. A variety of information is required including a waste analysis plan and analytical results, incinerator engineering description, and actual sampling and analysis results demonstrating 99.99% destruction and removal efficiency of the principal organic hazardous constituent(s). Also required is information on incinerator operating parameters which will lead to operating permit conditions under §264.345.

The clear purpose of §122.25(b)(5)(iii) is to provide data to specify operating conditions that will ensure compliance with the performance standards in §264.343. Note that the standards in §264.343 are clear and explicit. The incinerator must demonstrate 99.99% DRE as calculated by the formula given in the regulation: and incinerator producing HCl emissions of more than 1.8 kg/hr must control HCl emissions

to 1% of the uncontrolled amount or 1.8 kg/hr (whichever is more); and particulate emissions must be controlled to 180 mg/dscm corrected for the amount of oxygen in the stack gases. These three performance standards provide the only authority under the existing regulations for controlling emissions from hazardous waste incinerators.

The standards for accepting data in lieu of a trial burn are found in the regulations. Section 122.25(b)(5)(iv) provides that the Regional Administrator ("the Director") must approve a permit application without a trial burn if he finds that the wastes and the incinerators are sufficiently similar and the data provided is adequate to specify operating conditions ensuring ... "that the performance standards in §264.343 of this Chapter will be met by the incinerator." Clearly, an existing incinerator that obtains data on the waste it has combusted under interim status standards satisfies the requirements for similarity of waste and incinerator design. Similarly, to satisfy the third requirement, the applicant need only present the operating parameters (as outlined in §264.345) used when compliance with §264.343 was demonstrated. These operating parameters then become permit conditions. Thus, the Regional Administrator lacks the regulatory authority to require the owner or operator of an existing incinerator to submit a trial burn plan for approval before the operator gathers performance data.

Of course, many operators of existing facilities may wish to submit trial burn plans voluntarily. The emissions sampling and analysis required is quite expensive and the selection of POHCs is critical to the acceptability of data in lieu of trial burn plans. In order to avoid repeating the tests, an operator may submit a proposed trial burn plan. In this case, the Director can review and approve an acceptable plan [see §122.27(b)(4)].

Finally, while reviewing the 24 June 1982 incinerator regulations, one should keep in mind that the certification requirement at 122.25(b)(5)(iii)(E)(3) should have been deleted. You received a memorandum dated 26 August 1982 that this is being corrected.

I hope this has resolved the confusion regarding the submission of data in lieu of a trial burn. If you have any questions, contact Randy Chrismon at 382-4535.