PPC 9494.1991(01)

BURNING HAZARDOUS WASTE IN BOILERS AND INDUSTRIAL FURNACES (BIFs)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

THE ADMINISTRATOR

FEB 4 1991

Honorable Robert W. Kasten, Jr.
United States Senate
Washington, D.C. 20510

Dear Bob:

Thank you for your letter of December 4, 1990, expressing your concern about the burning of hazardous waste in boilers and industrial furnaces (BIFs).

I share your concerns about the need to ensure safe management of hazardous waste in the United States. In your letter you posed a number of questions regarding the BIF regulations we issued on December 31, 1990. I am pleased to provide the following answers to those questions.

Q: Are the new standards as stringent as those required of other waste incinerators?

A: Yes. The performance standards for boilers and industrial furnaces burning hazardous wastes are essentially equivalent to the proposed incineration amendments, and are more stringent than the current incineration standards. As in the incinerator regulations, the BIF regulations include performance standards for Destruction and Removal Efficiency (DRE) of organic constituents, hydrogen chloride emissions, and particulate emissions. The BIF regulations also include limits on emissions of products of incomplete combustion (through limits on carbon monoxide and/or hydrocarbons), hazardous metals, and free chlorine.

The BIF regulations impose substantive requirements on

existing facilities pending permit issuance or denial. According to the Resource Conservation and Recovery Act (RCRA), any BIF facilities in existence before these regulations became effective are granted interim status. BIF facilities wishing to continue burning hazardous waste under interim status will have to submit data, under specific time frames, verifying compliance with limits on emissions of carbon monoxide and/or hydrocarbons, hazardous metals, chlorine/ hydrogen chloride, and particulates.

Q. Is there a strict certification process for new facilities that is similar to the review other facilities must complete?

A: Yes. The regulations for boilers and industrial furnaces subject these devices to the full RCRA permitting process. Implementation of these regulations through the permitting process will require the involvement throughout the Environmental Protection Agency (EPA), or the authorized state, prior to any permit decision. This involvement includes a detailed review of the permit applications and the solicitation of and response to public comments. In addition, as discussed above, BIFs will be required to submit "certification" data demonstrating compliance with the interim-status standards in order to continue burning hazardous waste before that permit decision.

Q: Do the regulations provide for the safe management of the residue?

A: Yes, in general, residues are subject to the full panoply of RCRA Subtitle C requirements (i.e., our most stringent hazardous waste management standards). One exception would be residues subject to the "Bevill Amendment." In Section 3001(b)(3)(A) of RCRA, Congress excluded from Subtitle C restrictions any residues from boilers burning primarily coal or other fossil fuels, industrial furnaces processing primarily ores or minerals, or cement kilns processing primarily raw materials. These wastes were deemed by Congress to be "high volume/low hazard" in character. This exclusion will be effective until special studies are conducted

to determine how these devices should be regulated. EPA's position reflected in the BIF regulations is that so long as, on a case-by-case basis, the processing of hazardous waste does not significantly affect the character of the waste residues as high volume/low hazard, then those wastes may remain excluded under the Bevill amendment. Any residues that do not meet these criteria would be subject to Subtitle C requirements.

Q: Do the new regulations establish a definitive timetable for closing this loophole in our hazardous materials law that ensures the protection of the public's health and safety?

A: The rule will require facilities wishing to continue burning hazardous wastes to demonstrate compliance with the interim-status standards within specified time frames. Thus, facilities subject to these rules will be under a substantial level of control from the interim-status compliance deadlines until permit issuance or denial.

Permit applications will be "called in" and reviewed by the EPA regions or authorized states, based on a system of environmental priorities. This reflects one of the conclusions of our RCRA Implementation Study, which was that EPA (along with the states) should develop a system that ensures that the most environmentally significant facilities in a particular state or region are addressed first.

I hope that these responses give you a clearer understanding of how we plan to regulate boilers and industrial furnaces burning hazardous wastes. I also want to reiterate my own concern about the significance of this rulemaking and its role in ensuring that hazardous waste is managed safely and effectively. If you have any further questions or comments, please have your staff contact Russ Wyer, Director of EPA's Waste Management Division in the Office of Solid Waste and Emergency Response, at (703) 308-8414.

Sincerely yours,

Original Document signed

William K. Reilly