

PPC 9494.1986(06)

ENFORCEMENT POLICY ON WASTE BURNING FOR ENERGY RECOVERY

12/31/86

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Mr. Dennis Stefani
Chemical Processor Inc.
5501 Airport Way South
Seattle, Washington 98108

Dear Mr. Stefani:

This is in response to your request of October 10, 1986, for a clarification of the March 16, 1983, Enforcement Policy (48 FR 11157) and the rules applying to waste burned for energy recovery.

Your problem concerns the interpretation of when in the process is the criteria of 5000 Btu/hr applied so as to allow waste to be burned for energy recovery in a cement kiln.

EPA's interpretation is that the waste, as generated, should have an average Btu value of 5000 Btu/lb or greater to be considered a bona fide fuel. Waste with an as generated heating value lower than 5,000 Btu/lb is considered to be incinerated when burned in a boiler or industrial furnace and is, thus, subject to the incinerator standards of Subpart O of 40 CFR Parts 264 or 265. Such low heating value waste is considered to be incinerated even if it is mixed with other waste or fuel such that the mixture has a heating value higher than 5,000 Btu/lb.

The intent of the policy is not to apply the Btu criterion to each individual chemical or hazardous constituent of the waste, but to apply it to the aggregate waste, as generated (i.e., before mixing). Therefore the presence of low Btu value constituents would not preclude the waste from being considered a bona fide fuel that is burned for energy recovery.

Please feel free to have any concerned party at the Washington

Department of Ecology call me at (202) 382-7934 for any further clarification.

Sincerely,

Marc Turgeon
Environmental Scientist
Waste Combustion Section