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MINIMUM HEAT CONTENT REQUIREMENTS FOR HAZARDOUS WASTES
BURNED IN BIFs

May 20, 1994

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

MEMORANDUM

Subject: Minimum Heat Content Requirements for
Hazardous Wastes Burned in BIFs

To: Allyn M. Davis, Director
Hazardous Waste Management Division(6H)

From: Michael H. Shapiro, Director
Office of Solid Waste

This is in response to your May 11, 1994, memorandum requesting clarification on the minimum heat content requirements for hazardous wastes burned in boilers and industrial furnaces (BIFs) as a result of a Laidlaw Environmental Services (Recovery) inquiry. In their October 19, 1993, letter, Laidlaw proposes to lower the minimum heat content requirement for wastes they accept for blending into fuel from 5,000 Btu/lb to 1,000 Btu/lb providing that the BIF unit has certified compliance. Laidlaw contends that wastes with a heating value between 1,000 and 5,000 Btu/lb are suitable for their fuel blending program.

Blending of hazardous waste to increase its heating value for use as a fuel is not prohibited. However, the following situation illustrates that there can be undesirable consequences for specific BIF units that burn such blended hazardous wastes. For example, if an industrial furnace that has certified compliance burns a listed hazardous waste with a heating value less than 5,000 Btu/lb as-generated and the facility does not document that the hazardous waste is burned for legitimate energy recovery, then any product (e.g., cement) applied to or placed on the land in a manner that constitutes disposal would be a waste derived product subject to regulation as a hazardous waste. This waste-derived product,

however, could be eligible for an exemption from regulation as a hazardous waste by compliance with the land disposal regulations (LDRs) and associated notification requirements.

It is important to note that the "legitimate fuel" determination is on an as-generated, not as-fired, basis. Blending to augment the as-generated heating value cannot be used to meet the "legitimate fuel" test (i.e., either the waste must have a minimum heating value of 5,000 Btu/lb, or the facility must document that lower heating value waste contributes significant, useable energy). However, the as-generated heating value of a hazardous waste may be increased to meet the "legitimate fuel" test by bona fide treatment (e.g., decanting).

I hope that this information will be helpful. If you have further questions or comments, please feel free to contact Frank Behan of my staff at 703-308-8476.

cc: Frank McAlister, OSW/PSPD
Bob Holloway, OSW/WMD
Frank Behan, OSW/WMD

Attachment

Laidlaw Environmental Services
P.O. Box 283
Crowley, Louisiana 70527-0283
Phone: 318.783.2624, Fax: 318.783.2651

October 19, 1993

CERTIFIED MAIL P 860 553 883
RETURN RECEIPT REQUESTED

U.S. Environmental Protection Agency,
Region VI
Hazardous Waste Division, 6H
1445 Ross Avenue
Dallas, Texas 75202-2733

Re: BTU Limitation for Fuel Blending Facilities
Laidlaw Environmental Services (Recovery), Inc.
Crowley LA - LAD 079 464 095

To Whom It May Concern:

The purpose of this letter is to request an interpretation concerning the minimum heat content requirements of waste-derived fuel burned for energy recovery. Laidlaw Environment Services (Recovery), Inc., is a hazardous waste fuel blending facility located in Crowley, Louisiana.

As of August 21, 1991, Boiler and Industrial Furnace (BIF) units were regulated under the Boiler and Industrial Furnace Rule (40 CFR 266). Prior to this date, BIF's were not regulated under RCRA if they were burning hazardous waste for energy recovery. The only restriction was the hazardous waste burned for energy recovery had to have a minimum heat content of 5,000 BTU/pound to avoid "sham recycling". The "Sham Recycling Rule" (Federal Register, March 16, 1983, Pg. 11,157) was intended to prevent BIF units from burning hazardous waste solely for the purpose of destruction. Under the BIF Rule, the "Sham Recycling Rule" no longer applies to BIF units once they have certified compliance with the Rule.

At the current time, Laidlaw Environmental Services (Recovery),

RO 13672

Inc., does not accept hazardous waste with a heat content less than 5,000 BTU/pound. The facility proposes to lower the minimum heat content requirement for the facility to 1,000 BTU/pound, providing the BIF unit has certified compliance with the BIF Rule. These materials would not be blended and shipped to BIF units, which have no certified compliance with the BIF Rule.

Laidlaw contends that these low-BTU materials, with a heat content between 1,000 and 5,000 BTU/pound, are suitable for the fuels blending program. These waste streams will not be widely accepted due to the BTU/pound restrictions, which are required by the BIF units. Typically, the BIF units require minimum heat contents of 10,000 BTU/pound for liquid waste.

Thank you for your time and consideration of this matter. If you have questions or require further information, please call me at (318) 783-2624.

Sincerely,

James W. Hathcock
Environmental Manager

cc Mr. Glenn Miller (LA-DEQ)
Mr. Lin Longshore
Mr. Joseph Webb, Jr.