

9433.1987(01)

BOILER VARIANCE FOR A WASTE HEAT RECOVERY BOILER NOT OF INTEGRAL DESIGN, DENIAL OF

JAN 7 1987

Mr. W. Frank Owen  
American Environmental  
Pollution Control Inc.  
Post Office Box 98  
Dadeville, Alabama 36853

Dear Mr. Owen:

This is in response to your letter of September 9, 1986, regarding a petition for a boiler variance under 40 CFR 260.32, now pending before the Region IV EPA Administrator. We are sorry not to have been able to respond earlier. I understand, however, that you, with Drs. Moeller and Whittle of the University of Alabama, were able to meet with my staff on October 20, 1986, to clarify your letter and to provide additional information.

Our understanding is that the installation will use a waste heat recovery boiler to produce steam for use in drum cleaning. The unite will maintain a thermal energy recovery efficiency of at least 60 percent, and at least 75 percent of the steam will actually be used for drum cleaning or for other purposes and will not be vented.

At your meeting with my staff on October 20, 1986, you provided further information in support of arguments that the design of the facility was innovative and should be considered to be of integral design. We have since received a copy of your submission of October 27, 1986, to Ms. Beverly Spagg of EPA Region IV.

Our conclusion after considering the information before us is that the American Environmental Pollution Control combustor design as installed for Buckner Barrel and Drum does not meet the definition of boiler because it is not of integral design. We consider it to be a two-stage combustion system with a waste heat recovery boiler connected by insulated ducting. We do not believe that the special nature of the insulation is sufficiently unique to consider the boiler and combustion chamber to be of integral

design. Your letter of September 9 stated your belief that the integral design test is arbitrary and capricious. You believe that test regulates as incinerators waste heat recovery combustion systems that recover energy as efficiently as integrally designed boilers, which are exempt from regulation. EPA has considered the criticism of relying on physical criteria to differentiate between incinerators and boilers (see the preamble to the January 4, 1985, final rule on the definition of solid waste (50 FR 626)). Given, however, that significant regulatory consequences result from the distinction, EPA believes it is important that the test for the distinction be unambiguous and easy to apply. The physical test of integral design meets that need.

The region interpreted your petition in a manner consistent with previous decisions denying variances to units with waste heat recovery boilers. We are sending the appropriate officials in Region IV a copy of this letter for inclusion in their decision record.

Sincerely,

Original Document signed

Marcia E. Williams  
Director  
Office of Solid Waste

cc: James Scarbrough, EPA Region IV  
Beverly Spagg, EPA Region IV

bcc: Bob Holloway  
Marc Turgeon  
Art Glazer, Permits Branch (WH-563)  
Sonya Stelmack