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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 2 1986

MEMORANDUM

SUBJECT: Carbon Regeneration Facilities

FROM: Marcia Williams, Director
Office of Solid Waste (WH-562)

TO: Stephen R. Wassersug, Director
Hazardous Waste Management
Division (3HW00)

This is in response to your March 11, 1986, memorandum regarding the applicability of the RCRA hazardous waste rules to carbon regeneration facilities. In particular:

1) Is the spent carbon a solid waste?

In general, yes. As you correctly state in your letter, spent carbon can be defined as a spent material or a sludge (i.e., spent carbon would normally be considered a spent material, unless it results from pollution control in which case it is considered a sludge). Spent materials (whether or not they are listed or contain a listed hazardous waste) and listed sludges being reclaimed are solid waste. In addition, if the spent carbon contains a characteristic spent material (and the spent carbon itself exhibits a hazardous waste characteristic), it also is a solid waste. On the other had, if the spend carbon contains a characteristic sludge or by-product, it is not defined as a solid waste (even if the spent carbon exhibits a hazardous waste characteristic).

2) Is the spent carbon a hazardous waste?

Yes. That spent carbon defined as solid waste (as described above) is also hazardous if it contains a listed hazardous waste or exhibits a hazardous waste characteristic.

3) Which Part 264 standards apply?

If the spent carbon is a solid and hazardous waste, the owner or operator of the facility must comply with the

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storage facility requirements, including receiving a permit. The actual regeneration facility, including the afterburner, is exempt from regulation, however. In particular, recyclable materials other than those used in a manner constituting disposal are currently subject only to transportation and storage standards.^{1/} The recycling facility itself, including emissions from the facility, are not currently subject to regulation. (You should note that if the facility did not (voluntarily) use an afterburner or minimize organic emissions, the question of RCRA applicability would not even have been raised.) In the future, we intend to look at other recycling operations such as carbon regeneration to determine if standards are warranted.

Your concern that a determination that the off-gas is an unregulated emission would have adverse ramifications for incineration facilities does not appear to be a major problem. You expressed concern that an incinerator operator could vaporize his waste in a nonflame device prior to injection in an incinerator and claim that the unconfined gas is an unregulated treatment emission. Such a claim is not likely to be successful because bona fide recycling not integral to the incinerator. We don't believe such a showing can be made.

If you have further questions or comments, contact Matt Straus at 475-8551 or Robert Holloway at 382-7936.

1/ Recyclable materials burned for energy recover are only subject to the transportation and storage rules. The actual burning itself will be regulated in the future (i.e., we plan to propose this summer standards that would control emissions from boilers and industrial furnaces burning hazardous waste and off-specification used oil fuels).