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WASTES GENERATED BY COKE AND COAL TAR PLANTS

JUL 24 1987

Mr. Richard Ekfelt  
Director of Regulatory Affairs  
American Coke and Coal Chemicals  
Institute  
1255 Twenty-third Street, NW  
Washington, DC 20037

Dear Mr. Ekfelt:

Jeff Denit and I appreciated the opportunity to meet with you on June 3, 1987, to discuss the Agency's study to determine whether additional residual streams from by-product coke plants and coal tar refineries should be listed as hazardous wastes under RCRA. This meeting helped us understand the concerns of ACCCI members about the study; we hope that it clarified the objectives of EPA's study of the coke industry. This letter provides additional information to address the questions and concerns that were raised by ACCCI in your meeting with Ed Abrams and Dennis Wallace on May 14 and your May 26 letter to Mr. Abrams. The responses below are organized to be consistent with your letter.

- 1a. To date, "trigger" levels for specific constituents present in coke wastes have not been established. When established, these "trigger" levels will be health-based, not technology-based, and will be determined by first developing exposure limits for human consumption via drinking water and inhalation. Next, the exposure limits will be used to calculate leachate and air emission concentrations using models developed by the Agency that predict transport through ground water or dispersion through air. Finally, models that predict rates of constituent release from the waste will be used to calculate the regulatory levels in the residual streams.
- 1b. The term "primarily aqueous", as used in Mr. Wallace's letter to Mr. Eagle, referred to waste water streams. Specific examples include waste ammonia liquor, waste waters from direct contact final coolers and light oil

recovery operations, and tar refinery waste waters. The Agency has not established specific limits to define these streams; they essentially are the streams that are commonly defined by the industry as waste waters. The leachate procedure that will be used for the streams

is the same TCLP procedure that will be used for all streams. The TCLP procedure is defined in Appendix I to 40 CFR Part 268. (See 51 FR 40643 for a definition of the procedure.) For residuals that have less than 0.5 percent solids (a condition that we assume will hold for most waste waters), the residual stream is the leachate per that procedure.

2. Any waste water discharges that are point source discharges under Section 402 of the Clean Water Act are excluded from the definition of solid waste (and consequently are not hazardous wastes) per 40 CFR Part 261.4(a)(2). Further, pursuant to 40 CFR Part 264.1(g)(2), the requirements of Part 264 do not apply to the owner or operator of a wastewater treatment unit as defined in 40 CFR Part 261.10. Among other requirements, Part 261.10 defines waste water treatment unit as a device which is Part of a waste water treatment facility which is subject to regulation under either Section 402 or 307(b) of the Clean Water Act; and meets the definition of a tank (also defined in Section 261.10.). Thus, tanks may meet the criteria for the exclusion, but the exclusion would not apply to surface impoundments. As you are aware, some coke plant wastewaters are treated in surface impoundments rather than tanks; therefore, OSW is obligated to examine the need for regulating these waste streams and treatment units under RCRA. The samples that we are collecting are necessary to determine the need to regulate these streams.
3. The decisions related to listing additional coke plant residuals as hazardous wastes will be based on the criteria established in 40 CFR Part 261.11. These criteria are based on the potential hazard posed by the wastes and the potential for mismanagement of the waste and, as such, are not related directly to waste minimization concerns.

The listing of these wastes probably will not require major changes in the recycling and recovery practices that are used by many coke plants. The proposed rule for burning waste in boilers and industrial furnances (see 52 FR 17019), May 6, 1987), specifies that the coke and coal tar produced when tar decanter sludge (K035) is used as a feedstock are classified as products not wastes. The rationale for this proposal was that the residual and the normal feedstock or product have common constituents and that the residual streams and products are associated with the same

process. Based on our understanding of the residual streams that we are examining and the current recycling practices for those streams (use as a feedstock in the coke ovens or combination with tar in the decanter), these practices are likely to be deemed acceptable under the rationale established for the K035 stream.

4. The "trigger" levels that will be established under this listing/relisting study will not define technology-based limits to which residuals must be treated; they will be used to determine whether a waste stream is a "listed waste." When a waste stream has constituents at or below the "trigger" levels, or if it is treated to reduce constituents to those levels, it will cease to be a hazardous waste, unless it exhibits one of the hazardous characteristics defined in 40 CFR 261.21-24. If the residual stream has constituent concentrations above the "trigger" level, it will be a hazardous waste and must be treated, stored, and disposed in a manner that complies with the requirements of 40 CFR Parts 262 through 266 and 270.
5. As a part of this study, detailed information on waste management practices has been requested from most coke plant and tar refinery operators. These data will be compiled and summarized in the background documents that form the basis for the listing decision. Based on the recent proposal related to tar decanter sludge that was described above, we anticipate that the information presented in these background documents will enable the Agency to make sound judgements on environmentally acceptable management practices, as well as the potential

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for a given waste to be improperly managed.

I hope that these responses have addressed the concerns that you raised in your May 26 letter. If you have questions about the responses please call me at (202) 382-4769.

Sincerely,

Original Document signed

Robert Scaberry  
Chief, Listing Section

cc: Jeff Denit  
Matt Straus  
Ed Abrams  
Dennis Wallace