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BURNING AND BLENDING OF HAZARDOUS WASTE AND USED OIL
FUELS

Honorable Harry Meshel
Ohio Senate
Columbus, Ohio 43266-0601

Dear Mr. Meshel:

Thank you for your letter of October 16, 1985, concerning the Environmental Protection Agency's (EPA) proposed standards for the burning and blending of hazardous waste and used oil fuels, and the potential status of Cadence Product 312 under these rules.

Cadence has represented to us that the rule will be detrimental to their ability to market Product 312 to current users. While we do not dispute this claim, I should nevertheless emphasize that our rulemaking will not prohibit the sale of Product 312 to steel makers, industrial boiler operators, cement kiln operators, or other industrial users of waste-derived fuels. The rule requires only that these waste-derived fuels be stored and transported under controls already applicable to other hazardous wastes, including hazardous wastes used directly as fuel without the blending that Cadence uses to produce their Product 312. The transportation controls require that hazardous waste fuels be identified as such in a manifest presented to the transporter, and ultimately to the burner, as a means of implementing the prohibition on burning these fuels in relatively inefficient nonindustrial boilers like those in apartment and office buildings. Burning in these devices can expose large numbers of persons in urban areas to toxic emissions.

I should also note that we plan a future rulemaking that would provide permit standards to control emissions from industrial boilers and industrial furnaces burning hazardous waste fuels. EPA-sponsored testing of a number of boilers and industrial furnaces, including a blast furnace burning Product 312, indicates that many of these devices can be operated to burn many hazardous waste fuels safely. Thus, those planned

standards will not preclude burning of hazardous waste fuels in industrial boilers and industrial furnaces in most cases.

As you know, we believe waste reduction and waste recycling are the preferred options to manage our growing waste disposal problem. This, however, does not necessarily mean that a recycled waste material should be exempt from regulation if improper handling, treatment, or disposal could result in damage to human health or the environment. Our rulemaking attempts to balance the objectives of fostering recycling and providing adequate protection of human health and the environment. If a waste material is hazardous, the relevant policy concern is whether burning the waste needs to be regulated to protect human health or the environment.

We have completed the process of finalizing these regulations. I signed the final rule on Friday, November 8 and it was promulgated in the Federal Register on November 29, 1985. During the public comment period, we received several letters asking us to exempt Cadence Product 312 in the final rules. We reviewed those comments, as well as all of the other comments we received pertaining to the proposed rules.

In making a final decision, we have balanced all of the issues raised by the public, including those comments you had made; the Congressional mandate in the 1984 Hazardous and Solid Waste Amendments; and our desire to both protect human health and promote waste recycling. This is not an easy task. The Office of Solid Waste has worked diligently to write equitable and protective final regulations concerning burning and blending of hazardous waste and used oil fuels. I can assure you that your concerns regarding Cadence Product 312 were considered in this decision-making process.

Again, thank you for sharing your concerns on this matter. Please contact me if you have any questions.

Sincerely,

Original Document signed

Lee M. Thomas

Enclosure