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TREATMENT STANDARDS AND THE BEVILL EXCLUSION

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

AUG 23 1990

Mr. Douglas MacMillan, Director
Hazardous Waste Policy
National Solid Wastes Management Association
Suite 1000
1730 Rhode Island Ave., N.W.
Washington, D.C. 20036

Dear Mr. MacMillan:

In light of a question that has arisen about the response to questions 21 and 42 in our letters to you of July 31 and August 8, 1990, I am sending this clarification to ensure that no misunderstanding exists about EPA's current position. Our responses to questions 21 and 42 indicated that where EPA has specified a particular technology as the treatment standard, wastes governed by that standard must be treated using that method. If the specified method is incineration, this requires treatment in a device subject to the 40 CFR Part 264 Subpart O regulations, or a device that makes the equivalency demonstration under 40 CFR 268.42.

This response is consistent with prior EPA pronouncements, such as the preamble to the Third Third rule (see, for example, 55 FR 22536, June 1 1990). However, our responses to questions 21 and 42 may be misinterpreted because our statement on treatment standards and equivalency demonstrations addresses only prohibited waste; it does not address restricted waste sent to a device that is exempt under the Bevill amendment. A restricted waste sent to a Bevill device would not be prohibited so long as the residues from the waste processing remain within the scope of the Bevill amendment (55 FR 22660-61).

As EPA indicated in the proposal to regulate boilers and industrial furnaces (54 FR 43718, Oct. 26, 1989), we will examine the issue of how to determine if residues from co-processing Bevill raw materials and hazardous waste remain within

the scope of any Bevill amendment exclusion. Also, please note that wastes sent to a Bevill device are still subject to the administrative tracking requirements for restricted wastes under the land disposal restrictions, but would not have to meet a specified BDAT standard before land disposal (55 FR 22662).

I trust that this clarification removes any uncertainty that may have arisen from our earlier responses. If you have further questions, please feel free to call Matthew A. Straus of my staff at (202) 382-6972.

Sincerely,

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Sylvia K. Lowrance, Director
Office of Solid Waste