

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JAN 3 1989

MEMORANDUM

SUBJECT: Regulation of Hazardous Waste Transfer Operations

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste (OS-300)

TO: B. G. Constantelos, Director
Waste Management Division (5H-12)
Region V

We have evaluated the issues raised in your October 31, and November 9, 1988, memoranda regarding the need to regulate containers transferring waste directly to incinerators, boilers, or industrial furnaces.

You expressed concern about the Agency's policy that transport vehicles are not considered storage vessels when located on-site for short periods during the transfer of hazardous waste fuel directly to a combustion device. Apparently, a number of facilities have used this policy to avoid obtaining a storage permit. Your concern is that, without a feed storage tank to enable continuous mixing and, if necessary, heating of hazardous waste fuels, steady-state combustion conditions cannot be maintained. You suggest that we include in the proposed boiler and industrial furnace rules a provision requiring a fuel blending and storage tank.

We agree with you that a blending and feed storage tank can be a useful approach to solving problems associated with assessing a uniform feed. We are not sure, however, that a blending tank is needed in every case irrespective of the unloading time and properties of the waste fuel. Moreover, the trial burn should be used to determine if a facility can comply with the emissions performance standards without a feed storage tank. Nonetheless, we will request comment in the proposed boiler and industrial furnace rule on whether blending and storage tanks should be required to ensure a maintain uniform feed and a steady state operation of the waste combustion facility.

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Notwithstanding where we end up on that issue, we encourage you to establish-permit conditions as necessary to protect public health and the environment using the omnibus authority of Section 3005(c)(3) of RCRA. Controls may be needed to address the potential for spills, fires, and explosions during the transfer operations. Thus, it may be appropriate to apply the storage facility standards to the transfer operation. We will discuss in the preamble to the boiler and industrial furnace rule the use of the omnibus authority to address the hazards posed by transfer operations.

If you have questions or comments, your staff can contact Mr. Dwight Hlustick at (202) 382-7926.

cc: Incinerator Permit Writers' Workgroup
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