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DEFINITION OF INDUSTRIAL FURNACE AS IT APPLIES TO SMELTING, MELTING,
AND REFINING FURNACES HANDLING SECONDARY MATERIALS

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

December 6, 1993

Mr. Michael McGuire
Project Coordinator
Rostoker Inc.
3333 East 143rd Street
Burnham, Illinois 60633

Dear Mr. McGuire:

This is in response to your October 22, 1993, letter requesting confirmation that smelting, melting, and refining furnaces handling secondary materials are industrial furnaces under EPA's definitions for purposes of complying with the Boiler and Industrial Furnace (BIF) Regulations.

You are correct that smelting, melting, and refining furnaces engaged in legitimate recovery of metal values from secondary materials that are generated either on-site or off-site meet the Agency's definition of industrial furnace at 40 CFR 260.10. Further, if a smelting, melting, and refining furnace processes hazardous waste solely for the purpose of metal recovery (i.e., and not partially for energy recovery or to destroy organic compounds (see 40 CFR 266.100(c)), the furnace would be exempt from the permit and emissions standards of the BIF rule. The furnace would be, however, subject to notification, waste sampling and analysis, and recordkeeping requirements to document eligibility for the exemption.

Please note that we are not making a determination that your high temperature metals recovery process is, in fact, a smelting, melting, or refining furnace engaged in the legitimate recovery of metal values. That determination would require additional information, would be made on a case-by-case basis, and would consider factors such as whether the wastes contain economically

viable amounts of metals to recover. For further information on this point, see 56 FR 7143 (February 21, 1991), and 53 FR 522 (January 8, 1988).

I hope that this information will be helpful. If you have further questions, please feel free to contact Bob Holloway at (703) 308-8461.

Sincerely,
Michael Shapiro, Director
Office of Solid Waste

cc: Bob Holloway; Gary Victorine, Region V