

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION VIII  
999 18th STREET o SUITE 600  
DENVER, COLORADO 80202-2466**

8P2-HW

9534.1997(01)

Mr. Marty Barth  
Aptus  
P.O. Box 27448  
Salt Lake City, Utah 84127

Dear Mr. Barth:

This letter is in response to your memorandum dated January 20, 1997, in which you raised specific questions regarding the applicability of the Subpart CC RCRA air emission regulations to the Aptus facility in Aragonite, Utah. My staff have discussed your questions with the appropriate EPA headquarters offices (Office of Solid Waste and Office of Air Quality Planning and Standards) and have made the following determinations.

**BULK SOLIDS TANKS.**

- a) The bulk solids tanks are large rectangular open tanks located inside of a tall building vented to the incinerator. The three large "roll up doors" on this tall building are not considered natural draft openings (NDOs) AS LONG as they are normally closed during operation. They must be kept closed at all times that hazardous waste is stored in the bulk solids tanks, other than when rolloffs are actively being unloaded. In addition, any openings/cracks which are under, around or above the closed door must be considered as NDOs when evaluating compliance with Procedure T (40 CFR 52.741).
- b) As correctly indicated in your memorandum, Tank Level 2 controls allow for a tank to be located inside an enclosure that is vented through a closed-vent system to an enclosed combustion device (264.1084(d)(5)). The requirements for operation of the control device (in this case the enclosed combustion device) do not apply during periods of planned routine maintenance. Periods of planned routine maintenance of the control device, during which the control device does not meet the regulatory specifications, shall not exceed 240 hours per year. (264.1087(c)(2)).

On March 10, 1997, you provided us with documentation of the historical periods of planned maintenance of the Aptus incinerator (enclosed.) We recognize that the time periods needed for maintenance of a hazardous waste incinerator (such as for

rebricking of the kiln) are likely to exceed the 240 hours per year (10 days per year) envisioned for typical air pollution control devices. The shortest time period for planned maintenance at Aptus since 1993 appears to be for a total of 21 days in 1996 (15 days for rebricking and 6 days for bulk feed system work.)

In your memorandum of January 10, 1997, you proposed the use of an activated carbon system as a backup control device, for those times when the incinerator is not operating. Your proposal questioned the need for a backup "enclosed combustion device" such as a fumeincinerator, citing the high capital cost (probably exceeding \$500,000) for a backup device that would be used for short time periods. In subsequent discussions regarding alternative solutions to this issue, you also indicated that it would be difficult to ensure that these bulk solids tanks were empty during all periods that the incinerator is shut down (thus not needing emissions controls from the tanks during those times) because Aptus (like other commercial facilities) would continue to receive wastes from offsite, and would need to store such wastes.

The Subpart CC regulations specifically require that the enclosure be vented to an enclosed combustion device; they do not allow for alternate systems such as activated carbon. Also, they do not address the use of backup controls for emissions from tanks in total enclosures; presumably during the allowed 240 hours per year of planned maintenance, emissions from the tanks in the total enclosure could be totally uncontrolled. Therefore, we believe that it would be as, if not more, protective of the environment for Aptus to install and operate a backup activated carbon system, to be used DURING ALL PERIODS that the incinerator is not operating and hazardous wastes remain in the tank. The additional control of air emissions during the 240 hours of allowed maintenance (as compared to no control) would help offset any loss in emission control efficiency (enclosed combustion device versus activated carbon) occurring during the ten or so additional days during which the incinerator is not operating due to planned maintenance. The closed vent system and backup carbon system must be designed and operated in accordance with the requirements of 40 CFR 264.1087.

## SLUDGE RECEIVING TANK

This outside tank has a fixed roof, and is connected to the incinerator and afterburner. Aptus believes that this tank most closely complies with Tank Level 2 control requirements allowing a tank vented through a dosed-vent system to a control device (264.1084(d)(3)).

The tank has two large doors, that are opened for adding waste material to the tank (sludge is added by being pumped from a tanker or by emptying from drums.) The Subpart CC regulations indicate that whenever hazardous waste is in the tank, the closure devices must be secured in a closed position, other than during inspections,

maintenance sampling, sludge cleanout, etc. (264.1084(g)(2)). You questioned whether opening these doors to add waste materials was acceptable, since the addition of waste is not specifically cited as an exception to the 'secure' closure device requirement.

The preamble to the Subpart CC regulation (page 59946 of the November 25, 1996 Federal Register notice) specifically discusses the transfer of solids and sludges between containers and tanks. It indicates that such "transfer of hazardous waste between a tank and a container is not required to be done in a closed system"; therefore, Aptus would not need to construct a closed system for adding sludges via hard piping. However, Aptus must limit the amount of exposure that waste in the tank has to the atmosphere, by keeping the doors open only during periods of active waste addition. The doors should not be left open between truck loads of waste being brought in. for example.

We hope that this response addresses your concerns. Because of the regulatory interpretations developed for this response, we believe that the conditions and caveats outlined in this letter should be included in the Aptus HSWA permit. Please call Mindy Mohr at (303) 312-6525 or Carl Daly at (303) 312-6416 to discuss this response.

Sincerely,

Wanda C. Taunton, Director  
Hazardous Waste Program

Enclosure

CC: James Michael, OSW  
Michele Aston, OAQPS  
Boyd Swenson, DSHW, UDEQ

## MEMO

To: EPA Region VIII, Attn. Mindy Mohr  
From: Aptus, Inc., Marty Barth  
Date: March 10, 1997

Subject: History of Scheduled Maintenance Requiring Plant Shutdown

The dates, time requirements, and purpose of downtimes are listed below for scheduled maintenance since 1993. This information is provided for documentation of the required time for performing scheduled maintenance that requires the incinerator to be shut down.

Additionally, it is not in Aptus' best interest to keep the facility shutdown any longer than is necessary due to the impact on profitability, primarily resulting from limited customer waste inventory space. Thus there is a strong financial incentive to minimize the number of days the plant is not burning waste.

Date	Purpose of Shutdown	Duration of Shut-down
April 1993	kiln rebricking, baghouse work	20 days
August 1993	Baghouse, hot duct work	10 days
October 1993	kiln rebricking	21 days
April 1994	deslagger damage repair	15 days
September 1994	bag house, wet scrubber work	17 days
January 1995	baghouse work	9 days
April 1995	kiln rebricking	24 days
February 1996	kiln rebricking	15 days
December 1996	bulk feed system work	6 days