

PPC 9488.1991(03)

BIF REGULATIONS EFFECTS ON INDUSTRIAL BOILER

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

SEP 23 1991

Honorable Alex McMillan
House of Representatives
Washington, D.C. 20515

Dear Mr. McMillan:

Thank you for your letter of August 2, 1991, regarding Rexham Industrial's and Richard McClintock's concerns about the recent regulations for burning hazardous wastes in boilers and industrial furnaces (BIFs). You requested information on how the BIF regulations and the recently amended Clean Air Act would affect the operation of Rexham's boiler.

The Environmental Protection Agency (EPA) published the BIF regulations on February 21, 1991 (copy enclosed). These regulations require facilities that burn hazardous wastes to monitor the combustion for high efficiency and to control any pollutants in the flue gases that might pose a threat to human health and the environment. EPA developed these regulations over a period of four years and requested public comments on them on two different occasions. After giving the industry opportunity to submit comments, EPA responded to all comments and accommodated many of them by revising the proposed regulations.

In his letter, Mr. McClintock indicated that he is not sure whether the spent solvents he has been burning as fuel are actually regulated as hazardous waste. The BIF rule applies to boilers only if they burn hazardous waste. Although I suspect that the spent solvents are hazardous wastes, the state of North Carolina can assist Mr. McClintock in making a final determination.

Mr. McClintock also indicated that the spent solvents are a cleaner fuel than No. 2 fuel oil. In developing the final BIF regulations, EPA was aware that some hazardous waste fuels have very low levels of toxic organic or metal constituents and may be

hazardous only because they are ignitable and pose a fire or explosion hazard. Accordingly, the BIF regulations exempt boilers burning such low-hazard waste from many of the emissions standards (e.g., particulate matter limits and emissions testing for organics and toxic metals). These exemptions are implemented, however, under the permitting process established by the regulations. Thus, although a boiler burning "low-risk waste" may be exempt from certain emission standards, it would still need a Resource Conservation and Recovery Act (RCRA) permit.

Regulations that EPA will promulgate under the recently amended Clean Air Act are not likely to affect the burning of hazardous waste in boilers. Amended Section 112 requires EPA to establish standards for toxic pollutants representing maximum achievable control technology. Although boilers are a source category that EPA will consider in developing regulations, amended Section 112 explicitly requires EPA to consider existing RCRA regulations in determining whether additional controls are necessary. Given that EPA believes that the BIF regulations adequately control emissions from boilers that burn hazardous waste, additional controls under Section 112 may not be needed to address waste burning in boilers.

Thank you for your interest in the safe and effective management of hazardous waste.

Sincerely yours,

Don R. Clay
Assistant Administrator

Enclosure