



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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BOSTON, MASSACHUSETTS 02114-2023

May 10, 2000

Mr. Richard Kaselis
Division of Oil & Hazardous Waste Facilities Regulation
Bureau of Remediation & Waste Management
Maine Department of Environmental Protection
17 State House Station
Augusta, ME 04333-0017

Re: Pioneer Plastics - Response to Questions

Dear Mr. Kaselis:

I would like to apologize for the delay in responding to your letter of May 24, 1999 in which you had questions regarding how gaseous emissions from the hazardous waste treatment process at Pioneer Plastics would be regulated. Stephen Yee of the Hazardous Waste Program Unit spoke with you in January concerning the questions you raised. At that time, you indicated that you still wanted a written response.

The questions you raised in your letter are as follows: "Are these volatile emissions a hazardous waste if they are in a gaseous state and do not contain any listed waste constituents? Or are the emissions a hazardous waste because they are derived from the hazardous waste treatment process? If the gaseous emissions are a hazardous waste, what requirements and licenses would be required under federal rules?"

It is our understanding from the subsequent clarifications that the process at Pioneer Plastics has changed, and this is discussed later in our response. However, we would like to address your previously listed questions.

In general, volatile gaseous emissions are not regulated under RCRA unless they are from a hazardous waste treatment process or waste is managed in tanks, containers, surface impoundments, and certain miscellaneous units. The gaseous emissions from the treatment process would be subject to the RCRA, 40 CFR Parts 264/265, Subparts BB and CC air emission requirements if the average volatile organic concentration of the hazardous waste at the point of waste origination is 500 parts per million by weight (ppmv) or greater. The performance standards for organic air emissions can be found in 40 CFR §§ 265.1084 to 1088 and §§ 264.1084 to 1087.

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Based on the information that the Environmental Protection Agency (EPA) has about the thermal oxidizer (combustion) unit located at Pioneer Plastics, the unit appears to be a boiler as defined in 40 CFR § 260.10. The information indicates that the unit is being used as a control device for solvent vapors from a treatment process. 40 CFR § 265.1083(c)(2)(viii) covers the use of a boiler or industrial furnace as a control device. This unit would be subject to the requirements and performance standards of Part 266, Subpart H, Boiler and Industrial Furnace (BIF) Rule.

The performance standards for the BIF units include: the control of organic emissions (40 CFR § 266.104); the control of particulate matter (40 CFR § 266.105); the control of metal emissions (40 CFR § 266.106); and the control of hydrogen chloride (HCl) and chlorine (Cl₂) gas emissions (40 CFR § 262.107). Depending on the waste feed rate and/or composition, the unit may qualify for either an exemption or reduced requirements. These exemptions and reduced requirements can be found at 40 CFR §§ 266.100(b), 261.4, 261.6(a)(3)(iii) and (iv) - "Applicability"; 40 CFR § 266.108 - "Small Quantity On-site Burner"; 40 CFR § 266.109 - "Low Risk Waste Exemption"; and 40 CFR § 266.110 - "Waiver of DRE Trial Burn for Boilers".

In addition, the emissions from RCRA hazardous waste combustion sources are regulated under either the recently promulgated rules for Hazardous Waste Combustors under the Clean Air Act if the unit is an incinerator or a cement kiln or the Part 266, Subpart H, Boiler and Industrial Furnace (BIF) Rule where the unit is a boiler or industrial furnace. The Hazardous Waste Combustors Rule was promulgated on September 30, 1999 (64 FR 52828 - 53076). This Rule will supercede the Subpart O requirements in 40 CFR Parts 264 and 265. The Subpart O requirements (40 CFR §§ 264/265.340(b)) provide an exemption for wastes that are listed solely because it is ignitable, reactive, or corrosivity.

Last January, you provided an update of the activities at Pioneer Plastics which indicated that they are now treating waste which meets the characteristic of corrosivity only in its distillate weigh tank by elementary neutralization and that the activity meets the exemptions and definition in 40 CFR §§ 264.1(g)(6), 265.1 (c)(10), and 260.10. You said that once the waste has been treated it no longer meets the characteristic of a hazardous waste and is disposed of through their thermal oxidation unit. In addition, you said that the wastes which are characteristic due to ignitability are no longer being vacuum stripped/treated in the distillate weigh tank. The wastes are shipped off site for disposal.

Additional information was provided in March concerning the activities at Pioneer Plastics. In this update, you indicated that in a conversation with Panolam formerly Pioneer Plastics that they are testing each batch of waste generated from the production of the resins for corrosivity and ignitability. For waste distillate exhibiting the characteristic of ignitability, they are removed from the distillate weigh tank and placed in steel tanks for off site disposal as a hazardous waste. For waste distillate that exhibits the characteristic of corrosivity only, they are neutralized and is utilized as a fuel supplement in the thermal oxidizer. You also indicated that it was your understanding that the generation of ignitable waste stream depends in part on the type of resin being produced.

In the scenario concerning the neutralization of the corrosive waste, the neutralized waste would not be subject to the RCRA requirements as long as it does not fail for any of the characteristics of hazardous waste or contains any listed waste. The emission from the oxidizer unit when it is treating this material may be subject to your agency's or the Clean Air Act air emission requirements. The residues from the oxidizer may be subject to your agency's solid waste disposal requirements.

EPA is assuming that this testing is done at the distillate weigh tank and is not conducted after the material is placed in storage in the tank system. The air emission requirements may apply to the distillate weigh tank and the storage tanks if the average volatile organic concentration of the hazardous waste at the point of waste origination is 500 parts per million by weight (ppmv) or greater. The facility should have a waste determination procedure that includes the determination of the volatile organic concentration(s) in place to ensure the waste is properly handled and stored prior to being shipped off-site or treated in the boiler.

If you should have any question concerning this correspondence, please contact Stephen Yee of the Hazardous Waste Program Unit at (617) 918-1197.

Sincerely,



Edward K. McSweeney, Associate Director
Office of Ecosystem Protection

cc: Gary Gosbee, EPA
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