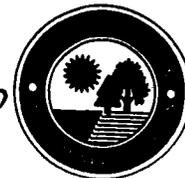




STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Sandy - who should this be assigned to?

March 14, 2001

Mmm

United States Environmental Protection Agency
Region I
John F. Kennedy Federal Building
Boston, MA 02203-0001
Attn: Marv Rosenstein

P10

*cc: cover
letters only
(2 pages)*

Re: **Regulatory interpretation on containers connected to dust collection devices.**

Dear Mr. Rosenstein:

*to: Marv
Jeff
Ken B. J.
Matt
Hayward
all
original
Sandy
Dorinda*

In the past, EPA Region I has offered its assistance with certain regulatory interpretations that would be beneficial for the entire region as opposed to one particular state. It is for this reason that Connecticut DEP is forwarding this request for regulatory interpretation to you, in an effort to ensure consistency on this issue throughout New England.

The question is whether or not a container (55-gallon drum) connected to the bottom of a cyclone dust collector, collecting hazardous waste solids generated from deburring operations, is subject to regulation under 40 CFR 262.34(a)(3) or 262.34(c)(1), or is exempt from regulation under 40 CFR 261.4(c). Specifically, the dust generated at seven deburring stations is down-drafted via duct pipes to a cyclone dust collector. In the device, particulates are removed from the air and collected in a 55-gallon drum connected to the bottom of the device. Once filled, the drum is disconnected from the dust collector, marked "Hazardous Waste" and moved to a designated hazardous waste storage area. The dust is disposed as F002, F003, F005, D006 and D007 hazardous waste. The generator claims that the drum, while connected to the dust collector and being filled with this waste, is exempt from RCRA regulation under 40 CFR 261.4(c). As a result, while the drum is connected to the dust collector, the generator does not mark it with the words "Hazardous Waste" and other words identifying the contents. The basis of the generator's claim is that: 1) the container is an integral part of the process (i.e. helps prevent leakage), and 2) the waste is not removed from the process until the drum is disconnected from the dust collector.

*1/20/02
3/12*

Enclosed is a copy of the package of material dated November 8, 2000 sent to the DEP by Sikorsky Aircraft Corporation (the generator described above). Included in the package are: 1) EPA Faxback 11921 from U.S. EPA to James A. Lively, dated October 19, 1995 and 2) EPA Faxback 14200 from U.S. EPA to William Guerry, dated June 1, 1998. Sikorsky maintains that these two EPA documents help support their claim.

DEP is requesting EPA's interpretation on Sikorsky's submittal so that DEP may more accurately be able to assess their claim for an exemption from certain RCRA regulations,

and be consistent with other Region I states. If you have any questions regarding this request, please contact Paul Hassler of my staff at (860) 424-3284.

Sincerely,

A handwritten signature in cursive script, appearing to read "D. A. Nash".

David A. Nash, Director
Waste Engineering and Enforcement Division
Bureau of Waste Management

DAN/ph
Enc.

cc. Jim Gaffey, U.S. Environmental Protection Agency

Sikorsky Aircraft Corporation
6900 Main Street • P.O. Box 9729
Stratford, Connecticut 06615-9129
(203) 386-4000



Sikorsky

A United Technologies Company

November 8, 2000

Mr. Paul Hassler, Environmental Analyst
Engineering and Enforcement Division
Bureau of Waste Management
Department of Environmental Protection
79 Elm Street, Hartford, CT 06106 - 5127

SENT BY CERTIFIED MAIL

Re: Notice of Violation # HM-1114
6900 Main Street, Stratford, CT

Dear Mr. Hassler:

This document is submitted in response to the Notice of Violation, received October 16, 2000 concerning two observations during the July 12, 17 and 18 inspection:

1. Identify the contents of a satellite accumulation container as required by Section 22a-449(c)-102(a)(2)(C) of the Regulation of Connecticut State Agencies incorporating 40 CFR 262.34(a)(3).

Referring to page 11a of the DEP inspection report dated 9/12/00:

One 55-gallon drum was marked "Hazardous Waste" and dated 5/17/00, but lacked a description of contents. Instead it was marked "dept. #527" and in the section designated for Sikorsky's waste stream number, "To Be Determined." Prior to completion of this inspection, the contacts showed me a Sikorsky internal memo from Linda Barlow to Kevin Broderick dated 7/14/00, entitled "Stream for Drum of Quad II NB at Drum Building."

Section 22a-449(c)102(a)(2)(C) requires that in addition to the words, "Hazardous Waste," containers shall be marked with other words that identify the contents of the container.

The container was a raw material used in boiler treatment and it was determined to be obsolete. The original raw material label was intact on the container. This label identified the raw material name, Quad II NB, and the name, address and telephone number of the manufacturer. This information was used to obtain a copy of the Material Safety Data Sheet and to complete the waste determination. The waste was assigned waste stream number 029200 and it was

shipped off-site for treatment and disposal on August 4, 2000. Copies of Linda Barlow's internal memo, her handwritten notes taken from the label, and the Material Safety Data Sheet are contained in Appendix 1.

Sikorsky maintains that the original product label on the container satisfied the Connecticut requirement to describe the waste material. To further assure there is no mix-up concerning the identification of waste, Sikorsky will instruct personnel to record the raw material trade name directly on the hazardous waste label.

2. Mark seven containers with the words, "Hazardous Waste" and identify their contents as required by Section 22a-449(c)-102(a)(2)(C) of the Regulation of Connecticut State Agencies incorporating 40 CFR 262.34(a)(3).

Page 3a(E) of the DEP inspection report, dated 9/12/00, states:

Solids drop to a 55-gallon drum attached to the bottom of the dust collector. The drum is sealed to the dust collector via a flexible duct. On the side of the drum were the remains of a hazardous waste marker that had been scratched off. This waste stream (Sikorsky stream # 027052) is disposed as F002, F003, F005, D006 and D007 hazardous waste..... The contacts stated that the marker was removed because they no longer regarded the drum as a container subject to 40 CFR Part 265, Subpart I, but rather as an integral part of the dust collection system, exempt from regulation in accordance with 40 CFR 261.4(c). They stated that because the drum is connected to the dust collector and the unit cannot function properly without this drum (e.g. the unit would lose air-flow velocity and/or spill dust on the floor), it is all one piece of equipment. The contacts could not produce any EPA or DEP documents to support this regulatory interpretation. The contacts stated that once it becomes full and is removed from the dust collector to the hazardous waste storage building, the drum is marked "hazardous waste" and managed as a waste container. This is one of approximately seven dust collectors located throughout the facility that are managed similarly, each of which generates hazardous waste.

The matter expressed in the report concerns the interpretation of 40 CFR 261.4(c) which states:

A hazardous waste which is generated in a..... manufacturing process unit or an associated ~~non-waste-treatment-manufacturing unit~~, is not subject to regulation..... until it exits the unit in which it was generated....

The key issues we have identified are:

1. When does the material become a waste; and
2. At what point has the waste been removed from the process.

Two documents that address baghouse dust are referenced below; copies of them are provided in Appendix 2:

1. EPA Faxback 11921 from U.S. EPA to Mr. James A. Lively, 10/19/95
2. EPA Faxback 14200 from U.S. EPA to Mr. William M. Guerry, 6/1/98

In the first correspondence, EPA states that in order to evaluate the type of equipment with regard to 261.4(c), it must first be determined at which point the dust residue is considered to become a waste (reference Faxback 11921, paragraph 2).

The Sikorsky process is a metal parts deburring operation. Seven deburring stations are manifolded together so that a downdraft flow of air captures dust and particles from the deburring operation. The air stream passes through a cyclone-type of apparatus so that the particulate settles out and the air is exhausted. The dust is derived from materials that are not wastes. The regulatory status of the materials going into the duct system is that they are inherently part of the deburring process.

The container where the particulate settles is integral to the process. The integrity of the complete deburring operation is intended to prevent leaks. This level of integrity depends upon the direct connection between the deburring station and the dust collector, hoses, funnel and container. The system is designed to be operated in conjunction with the deburring operation. In the second correspondence listed above, EPA writes: "We have stated in the past that 'determining the applicability of RCRA [to baghouse dust] would generally be made when the material is removed from the baghouse.'"

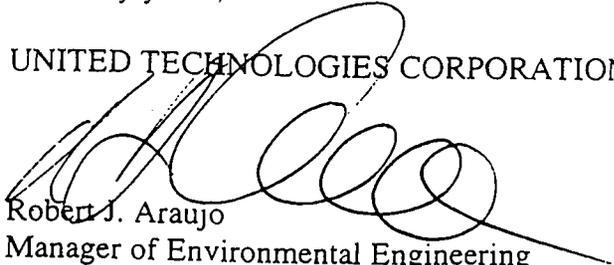
To assure that the waste is properly labeled and managed when it is removed from the dust collection system, Sikorsky has implemented a labeling system for the seven dust collectors described in the inspection report. The equipment has been marked with a label indicating the proper Sikorsky waste stream number for the waste when it is removed from the system. A copy of the label is attached in Appendix 3. This system assures that waste is properly evaluated for hazardous waste characteristics and that it is labeled as RCRA-hazardous or non-hazardous based on the determination after its removal.

Thank you for this opportunity to confirm that all corrective actions have been addressed. We do not believe Sikorsky operations were deficient at the time of the inspection. We apologize for any misunderstandings that occurred during the inspection and that the EPA documents were not provided sooner to avoid issuance of the notice of violation. We would be pleased to sponsor a forum for agency and industrial professionals to explore the interpretation and applicability of 261.4(c).

If you need additional information, please contact Susan Carey, Principal Environmental Engineer, at 203-386-5633 or call me at 203-386-6326.

Sincerely yours,

UNITED TECHNOLOGIES CORPORATION



Robert J. Araujo
Manager of Environmental Engineering
SIKORSKY AIRCRAFT CORPORATION

enclosures

- Attachment 1 Documents that indicate the raw material was labeled at the time of the inspection
- Attachment 2 EPA memorandum concerning interpretation of 40 CFR 261.4(c)
- Attachment 3 Sikorsky labeling

Attachment 2

**EPA memorandum concerning
interpretation of 40 CFR 261.4(c)**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE
OF
SOLID
WASTE
AND
EMERGE
RESPONS

Date: June 1, 1998

Mr. William M. Guerry, Jr.
Collier, Shannon, Rill & Scott, PLLC
3050 K Street, N. W.
Suite 400
Washington, D.C. 20007

Dear Mr. Guerry,

Thank you for your letter of December 3, 1997 regarding the management of emission control dust from electric arc furnaces (EAFs), and specifically, requesting a regulatory determination under the Resource Conservation and Recovery Act (RCRA) for silos that collect captured emission control dust from baghouses.

As your letter describes, baghouses that are part of EAF emission control equipment filter out metal fumes and other emissions from the furnace as EAF dust. As the emissions are filtered in the baghouse, the EAF dust settles and collects in hoppers located in the lower portion of the baghouse. Your letter describes how some steel mills are now using baghouse silo systems to improve the management of EAF dust. The silo, located adjacent to the baghouse, receives the EAF dust from the baghouse hoppers via piping. The silo serves as a single collection point for the EAF dust and a single discharge point of that dust to trucks or rail cars.

Your letter mentions that states have considered baghouse silos to be either a component of the EAF's dust handling system in compliance with the Clean Air Act (CAA), or a regulated hazardous waste storage unit (e.g., tank). We believe that a baghouse silo that is directly connected via piping to the baghouse, as described in your letter, is an integral part of the EAF emission control system. We believe that baghouse silos fall within the scope of what the CAA regulations define as a "dust handling system" (40 CFR 60.271a).

Dust-handling system means equipment used to handle particulate matter collected by the control device for an electric arc furnace or AOD vessel subject to this subpart. For the purposes of this subpart, the dust-handling system shall consist of the control device dust