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

June 10, 1996

Scott M. Churbock
Director, Environmental Affairs
Envirotrol, Inc.
432 Green Street, P.O. Box 61
Sewickley, PA 15143-0061

Dear Mr. Churbock:

Thank you for your letter of February 9, 1996 in which you raised several issues regarding the issuance of a draft permit for your Pennsylvania-based carbon reactivation facilities. We address each of your concerns below.

The key issue you raised is whether the proposed use of Envirotrol's unit to treat filtration media comparable to activated carbon (e.g., activated alumina) would be permitted as a thermal treatment unit or as an incinerator. In its 1991 rules for boilers and industrial furnaces, EPA amended the definition of "carbon regeneration unit" to indicate that these units are not incinerators, but are to be regulated as thermal treatment units (56 FR at 7200, February 21, 1991). The definition of a carbon regeneration unit is "any enclosed thermal treatment device used to regenerate spent activated carbon." Therefore, your question is whether a device that regenerates spent activated carbon, but also is used to regenerate other spent materials, can remain a "carbon regeneration unit" as defined.

EPA does not interpret the definition to require a regeneration device to be used exclusively to regenerate spent activated carbon. The literal language of the definition contains no such exclusivity requirement. The purpose of the revised definition was to clarify that carbon regeneration units were classified as other thermal treatment units rather than as incinerators, a purpose which would not be well served by interpreting the definition to require exclusive regeneration of spent carbon, since this would result in more regeneration devices

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being classified as incinerators. Therefore, we believe that a device which regenerates hazardous wastes other than a spent activated carbon can be a carbon regeneration unit.

However, the Agency further interprets the provision to require that a carbon reactivation unit be used primarily to regenerate spent activated carbon, and that its other hazardous waste regeneration activities be similar. Regeneration means restoring the hazardous waste material to its original use (for example, restoring spent activated carbon to a usable activated carbon). This interpretation is based on the language of the definition: the device, after all, must be a carbon regeneration unit.

We will recommend to the permitting authority that it review your proposed activity to determine if it may be classified as a carbon regeneration unit under the above interpretation and thereby permitted under part 264, Subpart X authority. The permitting authority should review each of the proposed filtration media, including spent activated carbon, to determine whether the media is treated by regeneration. It will also be important to determine whether the current permit conditions and treatment standards adequately address these additional materials, or whether additional testing or permit modifications would be needed. The permitting authority would make a final determination based on the particular facts presented in the permit application.

You also expressed concern about the potential delay of your permit due to uncertainty about the regulatory status of the unit. We do not believe there has been an undue delay in the preparation and notice of the EPA thermal treatment permit for this facility. It is our understanding that EPA Region III prepared and issued for comment a draft permit to Envirotrol on March 19, 1996. This draft permit (prepared in only 19 days) contains permit conditions designed to protect the community in which Envirotrol operates.

Please note that in the April 2, 1996, letter from W. Michael McCabe to Senator Rick Santorum, EPA Region III deferred to EPA Headquarters the final interpretation of the regulations given the need for national consistency and the precedent-setting nature of the interpretation. As such, this letter is intended to clarify EPA's position on the matter. We plan to make this letter widely available to states, industry, and environmental interests so that

they too may be informed of our opinion on this topic.

I hope we have addressed all of your concerns with respect to these issues. If you need any further assistance, please contact Val de la Fuente, Permits and State Programs Division, at (703) 308-7245.

Sincerely yours,

Michael H. Shapiro, Director
Office of Solid Waste

cc: Senior RCRA Policy Managers