

9432.1986(15)

TOTALLY ENCLOSED TREATMENT EXEMPTION APPLICABILITY TO A
BAGHOUSE SYSTEM

DEC 22 1986

Mr. Frederick M. Swed, Jr.
RMT, Inc.
Suite 124
1406 East Washington Ave.
Madison, Wisconsin 53703-3009

Dear Mr. Swed:

Thank you for your letter of November 10 requesting guidance on application of the totally enclosed treatment exemption to the treatment prior to disposal of baghouse dust generated in the foundry industry. Your letter addressed a generic case in which an emission control baghouse system and the treatment equipment are directly connected to a cupola furnace through a closed system of ducts. The Agency does not believe that the totally enclosed treatment exemption applies to the system you describe, subject to the conditions described below.

As you stated, totally enclosed treatment is defined in 40 CFR 260.10 as (1) being directly connected to an industrial production process and (2) constructed and operated to prevent the release of hazardous waste and any constituent thereof into the environment during treatment. In addition, the regulatory interpretive letter issued July 27, 1981 to Travenol Laboratories (RIL 84) further clarified what constituted totally enclosed treatment.

In the March 25, 1986 letter for Region 5 to Grede Foundries, EPA found that the specific configuration of the Grede baghouse did not qualify as totally enclosed because the hood collecting emissions was not directly connected to the cupola, only to the baghouse. As part of that determination, EPA stated that a foundry cupola qualifies as an industrial production process, but that the baghouse is an air pollution control device associated with waste treatment prior to disposal.

However, our answer to Grede may have been misleading. Connecting the ductwork to the cupola only fulfills half of the

totally enclosed treatment requirement. The question remains as to whether a system that includes a baghouse qualifies as totally enclosed treatment. Since baghouses do not remove 100% of the hazardous constituents, treatment downstream of a baghouse is not part of a totally enclosed treatment train.

You suggested that the baghouse is part of the production process because the cupola cannot be operated without the baghouse. While your system might require modification in order to operate without the baghouse, I do not believe that the baghouse is inherently necessary to the operation of the cupola furnace. In fact, prior to the development of air quality standards, cupolas typically operated without baghouses. Baghouses limit emissions from units subject to Clean Air Act standards. Therefore, the Agency still maintains that the baghouse is not part of a production process, but is associated with waste treatment.

You asked whether adding the treatment reagents prior to the baghouse would qualify as totally enclosed treatment. Since we agree that the point of hazardous waste generation is typically the bottom of the baghouse hoppers, any processing that occurs prior to that point would not be treatment subject to RCRA requirements.

You are also correct in stating that even if a production unit is open to the atmosphere, the unit downstream could still qualify as totally enclosed. As stated in a preamble to the §261.4(c) amendment, "Except for surface impoundments and non-operating units, EPA did not intend to regulate... manufacturing process units in which hazardous wastes are generated." (45 FR 72025, October 30, 1980) In your case, however, the production unit is the cupola, not the baghouse, so treatment that occurs downstream of the baghouse is not totally enclosed treatment.

In summary although production units may not necessarily prevent releases of constituents to the environment, units downstream may still qualify for the totally enclosed treatment exemption. However, while cupolas are production units, baghouses are not considered to be production processes. Furthermore, baghouses release hazardous waste or constituents thereof to the environment during normal operation as a waste management method. Therefore, dust treatment downstream of a baghouse system directly connected to a cupola does not perform totally enclosed treatment under the Federal program. In addition to this Federal

determination, of course, the States would have to be consulted for State hazardous waste and air quality standards that apply to these systems. I apologize for any inconvenience that arose from your reading of the EPA letter to Grede Foundries.

Sincerely,

Original Document signed

Marcia Williams
Director
Office of Solid Waste

cc: Hazardous Waste Branch Chief, Region V

bcc: Hazardous Waste Branch Chiefs, Regions I-IV, VI-X
RCRA/Superfund Hotline
Irene Horner, WTB