

TOTALLY ENCLOSED TREATMENT EXEMPTION APPLICABILITY TO A  
BAGHOUSE SYSTEM

MAR 17 1987

MEMORANDUM

SUBJECT: Total Enclosed Treatment and the Steel Industry

FROM: Marcia E. Williams, Director  
Office of Solid Waste

TO: James H. Scarbrough  
Chief, Residuals Management Branch  
Region IV

I have reviewed your memorandum of February 4, 1987, regarding our guidance to RMT, Inc., advising that its baghouse dust treatment system does not meet the requirement of a totally enclosed treatment system. It is unfortunate that Region IV apparently has reviewed a similar facility in Alabama and reached the opposite conclusion. Although I understand your reasoning in that decision, I cannot concur with it. I believe this interpretation would unnecessarily broaden the exemption and create new problems in the definition of what constitutes a treatment unit.

The concept of a totally enclosed treatment unit in 40 CFR \_260.10 was designed to prevent the need for a permit for treatment that occurred in pipes exiting a process unit. As a result, this definition made clear that the treatment units must be connected directly to an industrial production process. By not adhering strictly to this principle, your interpretation would broaden the universe of exempt units beyond what was intended for this exemption.

As you note in your memo, the baghouse is not part of the production process. Therefore, as stated in my December 22, 1986, letter to RMT, the dust fixation system cannot be considered directly connected to the process because the baghouse is open to the environment. although listed waste is not generated until the

emission control dust is collected in the baghouse hopper, this does not change the fact that there is an opening between the production unit and the fixation system. I recognize that this

means that any treatment provided downstream of a baghouse cannot be totally enclosed treatment. To find otherwise, however, would require us to find that the baghouse is a process unit. I think this would hopelessly confuse the definition of treatment units and process units and complicate enforcement by introducing how a unit is used into the definition.

Therefore, I believe that despite its possible environmental advantages, this unit should not be exempted from permitting as a totally enclosed treatment unit. Based on your extensive involvement in the design and construction of this system, I expect permitting will not create an unreasonable barrier to the use of the closed fixation technology on baghouse dusts. Expedited permit review would seem appropriate.

I also would note that treatment in 90-day accumulation units is currently exempt from permitting. Management within 90 days could make this issue moot for the Alabama facility at this time.

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