

9433.1987(10)

FILTER PRESS PROPOSED AS PART OF CORRECTIVE ACTION - NOT EXCLUDED  
FROM PERMITTING

JUN 12 1987

MEMORANDUM

SUBJECT: Regulatory Status of Filter Press  
at Burham Corporation

FROM: Marcia Williams, Director  
Office of Solid Waste

TO: Judy Kertcher, Acting Chief  
Solid Waste Branch  
EPA Region V

I am responding to your May 5, 1987, memorandum requesting a determination of the regulatory status of a filter press proposed as part of a corrective action at the Burnham Corporation. You asked whether this unit could be excluded from permitting as (1) a totally enclosed treatment unit, (2) a wastewater treatment unit, or (3) as reclamation exempt under the definition of solid waste.

With respect to totally enclosed treatment, it is clear to us that this exemption is not available because the treatment is not connected to the process. EPA's position with respect to this issue was clarified in our March 17, 1987, memorandum to James Scarborough of Region IV which is attached. Further, it appears in this case that, even if direct connection to the process were somehow achieved, the filter press, as diagrammed, could be open to the environment and could release hazardous constituents to the environment. Therefore, we do not believe it could be considered totally enclosed.

Your second approach appears to provide the proper basis for exemption. OSW currently has no formal definition of wastewater. Although Agency guidance suggested that wastewater should not exceed more than a few percent constituents other than water, this definition was never promulgated. Therefore, our current interpretation is that any waste that is treated in a unit that is subject to regulation under section 402 or 307(b) of the Clean

Water Act and meets the other requirements specified in 40 CFR 260.10 for a wastewater treatment unit is eligible for the exemption. This definition does not require a permit under the Clean Water Act, only that it be subject to regulation under Section 402 or 307(b) should a discharge occur. The attached letter from John Lehman to Richard Boynton of EPA's Region I explains our interpretation in greater detail.

Finally, we do not agree with the third possible exemption, which was suggested by the company. The exemption from the definition of solid waste for reclamation required that the water attached memorandum on totally enclosed treatment, the emission control device is considered a treatment unit, not the manufacturing process. Therefore, the water is recycled back to another treatment unit, not back to the process. As a result, this recycle would not qualify as reclamation under the definition of solid waste.

Any questions regarding these interpretations should be referred to James Berlow, Chief of the Treatment Technology Section, on FTS 382-7917.

Attachments

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ATTACHMENT

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

RO 12942

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 duties. Expedited permit review would seem appropriate.

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