

PPC 9441.1996(03)

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

May 30, 1996

Mr. William E. O'Brien
Manager of Business Operations
Carboplus, Incorporated
101 Federal Street, Suite 1900
Boston, Massachusetts 02110

Dear Mr. O'Brien:

Thank you for your letter of February 28, 1996, in which you asked about the status of your mixed coal products. Based on your conversation with Mr. Ron Josephson of my staff, you wanted to know more specifically about mixing Manufactured Gas Plant (MGP) wastes with coal and selling the mixed material to coke ovens or power plants.

In 1993, the Agency reviewed a submission by the Edison Electric Institute (EEI) in which a strategy was devised for remediation of MGP sites (sent to you under separate cover). Basically, MGP wastes, if characteristically hazardous according to 40 CFR 261 Subpart C, may be mixed with coal or other material (such as wood chips, corn cobs, etc.) on site in a tank, container, or containment building within 90 days until the characteristic is removed. At that point, the mixed material may be sent to a power plant or other facility that burns primarily fossil fuels assuming it no longer is characteristically hazardous as defined by 40 CFR 261 Subpart C. The residues from combustion of fossil fuels are generally exempt from the hazardous waste regulations under 40 CFR 261.4(b)(4). If, instead, the mixed material is sent to a landfill, all the Land Disposal Restrictions (LDR) standards must be met notwithstanding that the characteristic has been removed. The Agency determined at the time that this strategy would help speed up the remediation of MGP sites. This memo is still the Agency's policy on the subject.

Please be aware that the Agency's Superfund program is working on a presumptive remedy strategy for MGP sites which will

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present to the public options for cleanup of these sites. You should also contact the applicable state environmental agency to determine if your technology is allowed under state law. Some states provide stricter interpretations of Federal law, and you may not be able to apply your technology to MGP sites in those states. Please remember that if the coal or the mixture is mixed with a listed hazardous waste as defined by 40 CFR 261 Subpart D, the entire mixture becomes hazardous waste subject to all applicable requirements.

Thank you for your inquiry. If you have any additional questions on the MGP policy, please contact Ron Josephson at (703)308-0442 or at josephson.ron@epamail.epa.gov. If you have questions on fossil fuel combustion, please contact Mr. Van Housman at (703)308-8419.

Sincerely,

Michael H. Shapiro, Director
Office of Solid Waste

Attachment

CARBOPLUS, INC.
101 Federal Street
Suite 1900
Boston, Massachusetts 02110
Tel: (617) 342-7396
Fax: (617) 342-7080
Mobile Phone: (617) 584-9157

February 28, 1996

Mr. Michael Shapiro
Office of Solid Waste
United States Environmental Protection Agency
Room 5301
401 M Street, S.W.
Washington, D.C. 20460

Re: Determination of mixing technology

Dear Mr. Shapiro:

I received your name from Kristin Tensuan at the RICRA hotline who suggested that I write you. We are attempting to receive a ruling or an opinion that our mixed coal products are not hazardous wastes.

Carboplus, Inc. is marketing a technology for waste removal that has been successfully used in Europe. In this process, coal is batched with burnable hazardous wastes to produce customized fuels capable of being burned in industrial furnaces. We wish to use this technology to clean up MGP and NPL sites.

We realize that it will be difficult to provide a global answer to this question as coal can be mixed with many items. Nonetheless, we hope that you can provide us with a definition of coal and a determination of how mixed coal products are classified.

In closing, I thank you for your assistance in this matter. Please call me under the number provided above if you have any

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questions or comments.

Very truly yours,

William E. O'Brien
Manager of Business Operations

cc: Herr Kamperhoff