

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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. William M. Guerry, Jr.
Collier, Shannon, Rill & Scott, PLLC
3050 K Street, N. W.
Suite 400
Washington, D.C. 20007

Dear Mr. Guerry,

Thank you for your letter of December 3, 1997 regarding the management of emission control dust from electric arc furnaces (EAFs), and specifically, requesting a regulatory determination under the Resource Conservation and Recovery Act (RCRA) for silos that collect captured emission control dust from baghouses.

As your letter describes, baghouses that are part of EAF emission control equipment filter out metal fumes and other emissions from the furnace as EAF dust. As the emissions are filtered in the baghouse, the EAF dust settles and collects in hoppers located in the lower portion of the baghouse. Your letter describes how some steel mills are now using baghouse silo systems to improve the management of EAF dust. The silo, located adjacent to the baghouse, receives the EAF dust from the baghouse hoppers via piping. The silo serves as a single collection point for the EAF dust and a single discharge point of that dust to trucks or rail cars.

Your letter mentions that states have considered baghouse silos to be either a component of the EAF's dust handling system in compliance with the Clean Air Act (CAA), or a regulated hazardous waste storage unit (e.g., tank). We believe that a baghouse silo that is directly connected via piping to the baghouse, as described in your letter, is an integral part of the EAF emission control system. We believe that baghouse silos fall within the scope of what the CAA regulations define as a "dust handling system" (40 CFR 60.271a).

Dust-handling system means equipment used to handle particulate matter collected by the control device for an electric arc furnace or AOD vessel subject to this subpart. For the purposes of this subpart, the dust-handling system shall consist of the control device dust hoppers, the dust-conveying equipment, any central dust storage equipment, the dust-treating equipment (e.g., pug mill, pelletizer), dust transfer equipment from storage to truck), and any secondary control devices used with the dust transfer equipment. (emphasis added)

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In the baghouse-silo system described in your letter, the EAF dust is conveyed from the baghouse device into the silo, from which the dust is then loaded into trucks or rail cars for transport. As you pointed out, fugitive emissions from the dust handling equipment are subject to CAA requirements. We have stated in the past that "determining the applicability of RCRA [to baghouse dust] would generally be made when the material is removed from the baghouse" (letter from Kidwell to Lively, October 19, 1995; permit policy compendium no. 9441.1995(33)).

Because of the unique situation you described, where enclosed silos are integral to the baghouse dust handling system, we believe that it is reasonable that the applicability of RCRA be determined when the material is removed from the silo. Thus, the silo in this case serves as part of the dust handling system, and would not be subject to RCRA, with the understanding, based on your letter, that the purpose of the overall system is dust collection and conveyance, and that the silo contains the EAF dust, which is hard-piped from the baghouse, protecting it from environmental impacts such as precipitation, so that there are no releases from the silo to soils or groundwater. EPA would have to analyze separately any baghouse-silo arrangement that did not match the description in your letter to determine whether the silo would be an integral part of the dust handling system and, therefore, not subject to RCRA regulation. In addition, any long term storage would indicate that the silos are not functioning simply as part of EAF emission control systems, but as waste storage units as well, in which case they could be subject to RCRA requirements.

Please note that because RCRA authorized states may have more stringent requirements than the federal program, we suggest that facilities contact their state agency to determine whether any additional requirements apply. Should you have any questions about the contents of this letter, please contact Jeff Games of my staff at (703) 308-8655.

Sincerely,

Elizabeth A. Cotsworth, Acting
Director
Office of Solid Waste

cc: Matt Hale, OSW
Steve Heare, OSW
Dave Bussard, OSW
William Sonntag, Office of Reinvention
Brian Grant, OGC
Al Vervaert, OAQPS
Christopher Oh, OECA