



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

MAR 4 2008

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Carl B. Everett
Saul Ewing
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186

Dear Mr. Everett:

Thank you for your letters of July 13, 2007 and September 5, 2007, regarding the applicability of the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations to your client's air pollution control device that collects vapors from hazardous waste generator accumulation tanks. You specifically ask whether the operation of the carbon adsorption system, as described in your letter, constitutes treatment of hazardous waste requiring a RCRA permit. To answer your question generally, the operation of a carbon adsorption system associated with a RCRA 90-day accumulation tank that is exempt from permitting requirements pursuant to 40 CFR 262.34(a)(1)(ii) does not require a RCRA permit under the Environmental Protection Agency's (EPA's) interpretation of the federal regulations.

Please note that EPA authorizes states to implement the RCRA hazardous waste program. States promulgate their own hazardous waste regulations and an authorized state's regulations or interpretations may be more stringent and/or broader in scope than the federal regulations. Therefore, if you would like a case-specific determination, the Agency recommends you consult with the relevant state RCRA authority (assuming the state is authorized to implement the RCRA program).

Thank you for the opportunity to respond to your inquiry. If you have further questions, please contact Jeff Gaines of my staff at (703) 308-8655, or via e-mail at gaines.jeff@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Matt Hale', with a long horizontal flourish extending to the right.

Matt Hale, Director
Office of Solid Waste

cc: Robert Hall, OSW
Michael Galbraith, OSW
John Michaud, OGC
K.C. Schefski, OCE

July 13, 2007

Mr. Matt Hale
Director of the Office of Solid Waste (OSW)
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: RCRA Compliance Question: Carbon Adsorption

Dear Mr. Hale:

Our office is assisting a client in the interpretation of EPA's hazardous waste management regulations, and we have a question regarding the possible applicability of Part B permitting requirements. The issue involves the regeneration of carbon in an air pollution control device that collects vapors from operating unit process vents as well as several hazardous waste storage tanks. The client is currently a 90-day generator regulated under 40 CFR §262.34(a).

The client operates several hazardous waste tanks whose contents include liquids that are hazardous based on characteristics (ignitability – D001) and at least one listed waste. These tanks are managed in accordance with Subparts J, BB, and CC. The contents, when disposed, are transported to an off-site location where they are blended and subsequently burned for their energy value.

The carbon adsorption system receives vapors from all plant operating unit process vents as well as the hazardous waste tanks. The vapors from the hazardous waste tanks represent a very small percentage of the loading to the carbon adsorption system. The carbon adsorption system is covered by an air pollution control permit issued by an authorized state under the Clean Air Act. The system has three carbon adsorbers. Two adsorbers operate in series while the third is in standby mode after being regenerated using steam. An adsorber is automatically regenerated approximately every 8-10 hours. The steam condensate that results from carbon regeneration is sent to an on-site wastewater treatment plant. The treated wastewater is discharged to the local POTW consistent with the requirements of Clean Water Act §307(b).

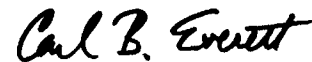
Based on testing, the spent carbon does not exhibit any hazardous characteristics. Since the hazardous waste tanks mentioned above vent to this carbon system and the hazardous waste in the tanks contains a listed waste, the client has managed the carbon as a hazardous waste when it is removed for disposal. The carbon is disposed of every 3-5 years.

The hazardous waste tanks vent to the carbon system in one of two ways. One tank is blanketed with nitrogen to maintain an inert atmosphere to reduce the risk of fire or explosion. Materials in the vapor space, mostly nitrogen, pass through a conservation vent and on to the carbon system when liquid is added to the tank. Each of the other tanks is equipped with a shell and tube condenser cooled with liquid glycol. Condensate returns to the tank. When liquid is added to a tank, the gas exiting the condenser passes through a conservation vent and is piped to the carbon collection system.

We are trying to determine whether the carbon adsorption system operated as described above constitutes treatment of a hazardous waste requiring a Part B permit. Since the tanks contribute only a small amount of material to the carbon system, the vapors can be collected using individual, disposable carbon canisters which would be sent for disposal as a hazardous waste every 90 days. The client, however, would prefer to maintain current operations which, we would note, do not entail offsite transportation of carbon canisters and are environmentally sound.

Should you have any questions, please do not hesitate to contact me.

Sincerely,



Carl B. Everett

cc: Ms. Susan Bodine, Assistant Administrator for the Office of Solid Waste and Emergency Response (OSWER)