



Environmental

Fact Sheet

Final Standards for Hazardous Waste Combustors - Phase I

The U.S. Environmental Protection Agency (EPA) is promulgating a final rule for hazardous waste combustors that provides: (1) an exclusion from RCRA Subtitle C jurisdiction of hazardous-waste-derived fuels that are comparable to particular fossil fuels; (2) an amendment to the RCRA permit modification rules for hazardous waste combustion units; (3) notification requirements for sources who intend to comply with the MACT final rule; and (4) waste minimization and pollution prevention criteria to be included in a request for a compliance extension.

Background

Under Subtitle C of the Resource Conservation and Recovery Act (RCRA), Congress authorized EPA to regulate the treatment, storage, and disposal of hazardous waste. On April 19, 1996, EPA proposed rules to control emissions of hazardous air pollutants (HAPs) from hazardous-waste-burning incinerators, cement kilns, and lightweight aggregate kilns (61 *FR* 17358). Today's final rule, "Hazardous Waste Combustors; Final Rule—Part 1: RCRA Comparable Fuel Exclusion, Permit Modifications for Hazardous Waste Combustion Units; Notification of Intent to Comply; Waste Minimization and Pollution Prevention Criteria for Compliance Extensions", commonly referred to as the "Fast Track Rule," addresses four elements of the April 19, 1996, proposal to revise the standards for hazardous waste combustors.

EPA has drafted this rule to address both the RCRA and Clean Air Act (CAA) components, and has built in maximum flexibility so that the regulated community can make certain choices in implementing the rules in ways that are most reasonable. Further, finalizing this portion of the maximum achievable control technology (MACT) rule prior to the rest of the proposal will allow stakeholders to anticipate some of the requirements, thereby saving time and resources in the eventual implementation of the emission standards.

Action

Under this final rule, EPA is issuing four specific items in final form, as part of its proposal to revise the air emission standards for certain units that combust hazardous wastes: (1) an exclusion from RCRA Subtitle C jurisdiction of hazardous-waste-derived fuels that are comparable to particular fossil fuels; (2) an amendment to the RCRA permit modification rules for hazardous waste combustion units; (3) notification requirements for sources that intend to comply with the final rule; and (4) waste minimization and pollution prevention criteria to be included in a request

for a compliance extension.

EPA is excluding from the definition of solid and hazardous-waste-derived fuels those that meet specification levels comparable to fossil fuels for concentrations of toxic constituents and physical properties that affect burning. The exclusion does not apply to solids, but does apply to gaseous and liquid hazardous-waste-derived fuels. Except for viscosity, this rule explicitly prohibits any blending or other “treatment” that does not remove or destroy hazardous constituents.

The Agency is amending the RCRA permit modification regulations to offer streamlined procedures that will help facility owners and operators meet two compliance concerns -- compliance with their RCRA permits and compliance with the forthcoming MACT standards. The streamlined procedures will also help permitting agencies handle the large number of modification requests EPA anticipates will be submitted in a relatively short period of time following promulgation of the final MACT standards. By promulgating the revised procedures before the final MACT standards, EPA hopes to provide ample time for states to develop comparable standards and obtain EPA authorization before they need to process MACT-related modification requests from facility owners or operators.

EPA is adopting a requirement that affected sources must prepare and submit for public comment a notification identifying the facility’s intentions to comply with the final rule and describing the strategy and steps they intend to follow to comply. Sources must also hold at least one informal public meeting to facilitate dialogue between the affected source and the surrounding community. If a source has not made satisfactory progress according to demonstration criteria contained within the rule, the source would be required to stop burning hazardous waste 2 years after promulgation of this rule.

This rule also identifies the waste minimization and pollution prevention criteria for a 1-year compliance date extension when additional time is needed to install waste minimization measures that reduce the amount of hazardous waste entering combustion feedstreams. Regulated entities that apply for a 1-year extension must provide: (1) a description of the waste minimization measures to be installed, and (2) a compliance schedule indicating when waste minimization measures and other pollution control changes will be initiated, when installation will be completed, and when compliance will be achieved.

Applicability

This rule applies to hazardous waste generators and hazardous-waste-burning incinerators, cement kilns, and lightweight aggregate kilns.

For More Information

The *Federal Register* notice and this fact sheet are available in electronic format on the Internet through the EPA Public Access Server. For additional information or to order paper copies of the *Federal Register* notice, call the RCRA Hotline at (800) 424-9346 outside the Washington, DC, area and (703) 412-9810 within the Washington, D.C. area. Copies of documents applicable to this rule may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (5305W), 401 M Street SW, Washington, DC 20460.