

## **DHWM Permit Renewal Process and the NESAHP:**

### **Interim Standards for Hazardous Air Pollutants for Hazardous Waste Combustors**

In September 1999, the U.S. EPA promulgated revised standards for hazardous waste incinerators, hazardous waste burning cement kilns, and hazardous waste burning lightweight aggregate kilns. These standards were promulgated under joint authority of the Clean Air Act (CAA) and Resource Conservation and Recovery Act (RCRA). The standards limit emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter. These standards reflect the performance of Maximum Achievable Control Technologies (MACT) as specified by the Clean Air Act.

Industry and environmental petitioners challenged U.S. EPA air pollution standards for MACT-Hazardous Waste Combustors (HWCs). On July 24, 2001 the U.S. Court of Appeals (DC Circuit) issued a decision remanding a portion of the MACT-Hazardous Waste Combustor (HWC) standards to U.S. EPA for further consideration. The court remanded the MACT-HWC emission limits to U.S. EPA because the standards fail to reflect the emissions achieved in practice by the best-performing sources as required by the Clean Air Act. The Court also decided to vacate the challenged regulations and gave U.S. EPA (and the parties) the option to request either that the current standards remain in place, or that U.S. EPA be given time to develop interim standards pending further time in which U.S. EPA develops standards complying with the Court's opinion. On October 19, 2001, U.S. EPA, together with all other petitioners, jointly moved the Court to stay the issuance of its mandate for four months to allow U.S. EPA time to develop interim standards. The motion contemplates that U.S. EPA will issue final standards by June 14, 2005. The joint motion also details other actions U.S. EPA intends to take. These actions included promulgating, by February 14, 2002, a rule with amended interim emission standards. The Court granted this motion and stayed issuance of its mandate until February 14, 2002.

In complying with this agreement, U.S. EPA (in federal registers dated February 13 and 14, 2002) promulgated interim standards for hazardous waste combustors limiting emissions of chlorinated dioxins and furans, other toxic organic compounds, toxic metals, hydrochloric acid, chlorine gas, and particulate matter. The MACT compliance date for existing hazardous waste combustors is September 30, 2003; the deadline for the comprehensive performance test is six months after the compliance date.

The rule on interim standards also maintained the requirement for hazardous waste combustors to submit a comprehensive performance test plan one year prior to the compliance test date. This one-year period is needed to provide regulatory officials sufficient time (i.e., nine months) to review and approve or notify hazardous waste combustors of intent to disapprove the plan. The rule contemplates that nine months is needed for the review for all sources given the amount of technical information that would be included in the comprehensive performance test plan. During this nine-month period, it is contemplated that the regulatory officials will review the test plan and determine if it is adequate to demonstrate compliance with the emission standards and establish operating requirements. After submittal of the test plan, review and approval or notification of intent to deny approval of the test plan will follow the requirements of Sec. 63.7(c)(3). That section provides procedures for hazardous waste combustors to provide additional information before final action on the plan. It also requires hazardous waste combustors to comply with the testing schedule even if permit officials have not approved the test plan.

The Ohio EPA Division of Hazardous Waste Management (DHWM) is working with the Division of Air Pollution Control (DAPC) to develop a way that allows hazardous waste facilities to complete their permit renewal and trial burn/risk assessment requirements that does not interfere with DAPC MACT implementation and is least disruptive to the facility operations. Because there are only four hazardous waste combustors in Ohio, we will approach this on a site-specific basis.

DHWM prefers to combine the trial burn/risk assessment requirement with the comprehensive performance test so that only one test is required of the facility for CAA/RCRA purposes. Additionally, DHWM encourages combustors to submit their comprehensive performance test plan as early as possible by modifying their trial burn/risk assessment plans to meet MACT emission requirements.

For more information on this, please contact Mr. Ed Lim of the Division of Hazardous Waste Management at 614/644-2824.