



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IV
345 COURTLAND STREET
ATLANTA, GEORGIA 30365

FEB 23 1990

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Mr. E. Dwight Adams, Chairman
Committee on Solid Waste
Sierra Club - Florida Chapter
2905 N.W. 12th Place
Gainesville, Florida 32605

*Patly
for permit
File
Pasco County*

Dear Mr. Adams:

This is to acknowledge receipt of your January 17, 1990, letter to the Administrator of EPA concerning municipal waste incinerators in Florida. You raised concerns regarding the readdressing permit conditions on the Pasco County Resource Recovery Facility (RRF), the institution of recycling/source separation programs for pollution prevention, residual ash generated from the incineration of municipal solid waste (MSW) and potential mercury contamination of surface water.

Let me first address the issue of the permit conditions for Pasco County RRF. Please understand that there are very definite legal constraints to the permitting process. The State of Florida, like many other states, has been granted permitting authority pursuant to the Clean Air Act and federal regulations. Florida's permitting regulations have been approved as part of their federally approved State Implementation Plan (SIP).

These regulations meet the requirements for permitting under prevention of significant deterioration (PSD) regulations including evaluating best available control technology (BACT), air quality, and allowing public participation. EPA's role in this process is one of overview to ensure that the proper procedures are being followed. EPA, like the general population, makes comments regarding proposed permitting actions during the public comment period. Once a permit is issued and EPA concurs, EPA cannot seek to change its terms unless they do not conform with the PSD requirements of the Clean Air Act (CAA). (See Section 167 of the CAA). In this case, EPA commented on the permit and concluded that it met the PSD requirements applicable at that time.

Concerning the institution of recycling/source separation at RRF's for pollution prevention, one regulatory avenue that will be implemented to require this control at existing RRF facilities is the establishment of emission guidelines for municipal waste combustors (MWC) pursuant to Section 111(d) of the Clean Air Act. These guidelines were proposed on December 20, 1989 (54 FR 52209). After final approval of these guidelines (anticipated to be December 1990) each state will be required to adopt regulations which meet those

guidelines if any applicable sources are located in the state. These guidelines include requirements for a mandatory 25% source separation of the total waste stream for new and existing incinerators along with more stringent emission limitations for many types of pollutants. Please find enclosed a press release which details the emission guidelines that were proposed.

In regards to future incinerators, New Source Performance Standards (NSPS) under 111(b) of the CAA were proposed along with the emission guidelines for existing sources (54 FR 52251). These standards include the use of baghouses, spray driers, NO_x controls, and good combustion practices along with the 25% source separation requirement. The proposed source separation requirements include the banning of auto batteries from the waste stream and instituting programs to separate out household batteries. The goal of EPA is to establish an integrated approach to solid waste management including source reduction, recycling, incineration, and landfilling. Please find enclosed a copy of "The Solid Waste Dilemma: An Agenda for Agency Action." This publication details EPA's policy regarding the safe reduction and disposal of municipal waste.

Regarding your concerns over the residual ash generated from the incineration of municipal solid waste, we offer the following comments. The incineration process does not create metals but concentrates the metals already present in the waste being incinerated. In some instances the metals may be present in concentrations that would cause a representative sample of the ash to leach metals (typically lead and cadmium) in concentrations exceeding the Extraction Procedure (EP) Toxicity threshold values for hazardous waste. Thus the importance of source separation is paramount to remove the toxic components from the waste stream as you suggested and EPA recently proposed.

The regulatory status of residual ash is unclear under federal law. Section 3001(i) of the Resource Conservation and Recovery Act (RCRA) exempts waste to energy facilities that meet specific criteria from RCRA Subtitle C hazardous waste management regulations. This provision is called the household waste exclusion. EPA in codifying this statutory provision in July 1985, took the position that the residual ash generated by incinerators must be managed as a hazardous waste if it routinely exhibits a hazardous waste characteristic (e.g., EP Toxicity). In November 1989, two federal district courts handed down decisions favorable to the defendants (plant operators) which concluded EPA misinterpreted Section 3001(i).

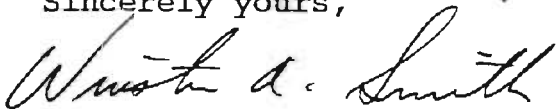
Congress is expected to enact clarifying provisions to RCRA which will establish residual ash as a "special waste" subject to regulation under RCRA Subtitle D. EPA supports this approach and believes ash may be safely managed as a special waste subject to proper handling and disposal procedures.

In response to your concerns regarding mercury, let me point you to the preamble of the recently proposed NSPS at 54 FR 52280:

Household batteries: Reductions in mercury emissions and other MWC metal emissions (including cadmium and nickel) would result from separating household batteries prior to combustion. Add-on control systems typically achieve a lower percent removal of mercury than other metals. As described in Section IV, mercury emission data are highly variable and the mechanisms of mercury emissions and control are not highly understood. A task force is being formed to investigate mercury emissions and controls. However, much of the mercury in MSW is contained in household batteries. Mercury oxide batteries are the type of battery with the highest mercury content, containing about 35 percent mercury by weight. Common alkaline manganese batteries contain 7 percent mercury, and silver oxide batteries contain about 1 percent mercury. The widely-used zinc carbon batteries may also contain small amounts of mercury. Therefore, in lieu of a mercury emission limit, it is proposed that a program be established to remove household batteries from MSW.

Mr. Adams, I hope that this information has addressed your concern regarding the permitting of municipal waste incinerators in Florida and Region IV. If I can be of further assistance, please contact me or Mr. Gregg Worley of my staff at (404) 347-2864.

Sincerely yours,



Winston A. Smith, Director
Air, Pesticides, and Toxics
Management Division

cc: Clair Fancy, FDER