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RCRA permit, complies with 40 CFR 270.14(d).

(c) Publicly owned treatment works. The owner or operator of a POTW which accepts for treatment hazardous waste, if the owner or operator:

1. Has an NPDES permit;
2. Complies with the conditions of that permit; and
3. Complies with the following regulations:
   1) 40 CFR 264.11, Identification number;
   2) 40 CFR 264.71, Use of manifest system;
   3) 40 CFR 264.72, Manifest discrepancies;
   4) 40 CFR 264.73(a) and (b)(1), Operating record;
   5) 40 CFR 264.75, Biennial report;
   6) 40 CFR 264.76, Unmanifested waste report; and

(4) If the waste meets all Federal, State, and local pretreatment requirements which would be applicable to the waste if it were being discharged into the POTW through a sewer, pipe, or similar conveyance.


§ 270.62 Hazardous waste incinerator permits.

When an owner or operator of a hazardous waste incineration unit becomes subject to RCRA permit requirements after October 12, 2005, or when an owner or operator of an existing hazardous waste incineration unit demonstrates compliance with the air emission standards and limitations in part 63, subpart EEE, of this chapter (i.e., by conducting a comprehensive performance test and submitting a Notification of Compliance under §§ 63.1207(j) and 63.1210(d) of this chapter documenting compliance with all applicable requirements of part 63, subpart EEE, of this chapter), the requirements of this section do not apply, except those provisions the Director determines are necessary to ensure compliance with §§ 264.345(a) and 264.345(c) of this chapter if you elect to comply with §270.235(a)(1)(i) to minimize emissions of toxic compounds from startup, shutdown, and malfunction events. Nevertheless, the Director may apply the provisions of this section, on a case-by-case basis, for purposes of information collection in accordance
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(a) For the purposes of determining operational readiness following completion of physical construction, the Director must establish permit conditions, including but not limited to allowable waste feeds and operating conditions, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to bring the incinerator to a point of operational readiness to conduct a trial burn, not to exceed 720 hours operating time for treatment of hazardous waste. The Director may extend the duration of this operational period once, for up to 720 additional hours, at the request of the applicant when good cause is shown. The permit may be modified to reflect the extension according to §270.42 of this chapter.

(i) Applicants must submit a statement, with part B of the permit application, which suggests the conditions necessary to operate in compliance with the performance standards of §264.343 of this chapter during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates and the operating parameters identified in §264.345 of this chapter.

(2) The Director will review this statement and any other relevant information submitted with part B of the permit application and specify requirements for this period sufficient to meet the performance standards of §264.343 of this chapter based on his engineering judgment.

(b) For the purposes of determining feasibility of compliance with the performance standards of §264.343 of this chapter and of determining adequate operating conditions under §264.345 of this chapter, the Director must establish conditions in the permit for a new hazardous waste incinerator to be effective during the trial burn.

(i) Applicants must propose a trial burn plan, prepared under paragraph (b)(2) of this section with a part B of the permit application.

(ii) The trial burn plan must include the following information:

(A) Heat value of the waste in the form and composition in which it will be burned.

(B) Viscosity (if applicable), or description of the physical form of the waste.

(C) An identification of any hazardous organic constituents listed in part 261, appendix VIII of this chapter, which are present in the waste to be burned, except that the applicant need not analyze for constituents listed in part 261, appendix VIII, of this chapter which would reasonably not be expected to be found in the waste. The constituents excluded from analysis must be identified, and the basis for the exclusion stated. The waste analysis must rely on appropriate analytical techniques.

(D) An approximate quantification of the hazardous constituents identified in the waste, within the precision produced by appropriate analytical methods.

(ii) A detailed engineering description of the incinerator for which the permit is sought including:

(A) Manufacturer's name and model number of incinerator (if available).

(B) Type of incinerator.

(C) Linear dimensions of the incinerator unit including the cross sectional area of combustion chamber.

(D) Description of the auxiliary fuel system (type/ feed).

(E) Capacity of prime mover.

(F) Description of automatic waste feed cut-off system(s).

(G) Stack gas monitoring and pollution control equipment.

(H) Nozzle and burner design.

(I) Construction materials.

(J) Location and description of temperature, pressure, and flow indicating and control devices.

(iii) A detailed description of sampling and monitoring procedures, including sampling and monitoring locations in the system, the equipment to be used, sampling and monitoring frequency, and planned analytical procedures for sample analysis.

(iv) A detailed test schedule for each waste for which the trial burn is planned including date(s), duration,
quantity of waste to be burned, and
other factors relevant to the Director's
decision under paragraph (b)(5) of this
section.

(v) A detailed test protocol, includ-
ing, for each waste identified, the
ranges of temperature, waste feed rate,
combustion gas velocity, use of auxil-
liary fuel, and any other relevant pa-
rameters that will be varied to affect
the destruction and removal efficiency
of the incinerator.

(vi) A description of, and planned op-
erating conditions for, any emission
control equipment which will be used.

(vii) Procedures for rapidly stopping
waste feed, shutting down the inciner-
ator, and controlling emissions in the
event of an equipment malfunction.

(viii) Such other information as the
Director reasonably finds necessary to
determine whether to approve the trial
burn plan in light of the purposes of
this paragraph and the criteria in para-
graph (b)(5) of this section.

(3) The Director, in reviewing the
trial burn plan, shall evaluate the suf-
ficiency of the information provided
and may require the applicant to sup-
plement this information, if necessary,
to achieve the purposes of this para-
graph.

(4) Based on the waste analysis data
in the trial burn plan, the Director will
specify as trial Principal Organic Ha-
dardous Constituents (POHCs), those
constituents for which destruction and
removal efficiencies must be calculated
during the trial burn. These trial
POHCs will be specified by the Director
based on his estimate of the difficulty
of incineration of the constituents
identified in the waste analysis, their
concentration or mass in the waste
feed, and, for wastes listed in part 261,
subpart D, of this chapter, the haz-
dardous waste organic constituent or
constituents identified in appendix VII
of that part as the basis for listing.

(5) The Director shall approve a trial
burn plan if he finds that:

(i) The trial burn is likely to deter-
mine whether the incinerator perform-
ance standard required by §264.343 of
this chapter can be met;

(ii) The trial burn itself will not
present an imminent hazard to human
health or the environment;

(iii) The trial burn will help the Di-
rector to determine operating require-
ments to be specified under §264.345 of
this chapter; and

(iv) The information sought in para-
graphs (b)(5) (i) and (ii) of this section
cannot reasonably be developed
through other means.

(6) The Director must send a notice
to all persons on the facility mailing
list as set forth in 40 CFR
124.10(c)(1)(ix) and to the appropriate
units of State and local government as
set forth in 40 CFR 124.10(c)(1)(x) an-
nouncing the scheduled commence-
ment and completion dates for the trial
burn. The applicant may not com-
ence the trial burn until after the Di-
rector has issued such notice.

(i) This notice must be mailed within
a reasonable time period before the
scheduled trial burn. An additional no-
tice is not required if the trial burn is
delayed due to circumstances beyond
the control of the facility or the per-
mitting agency.

(ii) This notice must contain:
(A) The name and telephone number
of the applicant’s contact person;
(B) The name and telephone number
of the permitting agency’s contact of-
fice;
(C) The location where the approved
trial burn plan and any supporting doc-
uments can be reviewed and copied;
and
(D) An expected time period for com-
 mencement and completion of the trial
burn.

(7) During each approved trial burn
(or as soon after the burn as is prac-
ticable), the applicant must make the
following determinations:

(i) A quantitative analysis of the
trial POHCs in the waste feed to the
incinerator.

(ii) A quantitative analysis of the ex-
haust gas for the concentration and
mass emissions of the trial POHCs, ox-
ygen (O_2) and hydrogen chloride (HCl).

(iii) A quantitative analysis of the
scrubber water (if any), ash residues,
and other residues, for the purpose of
estimating the fate of the trial POHCs.

(iv) A computation of destruction
and removal efficiency (DRE), in ac-
cordance with the DRE formula speci-
fied in §264.343(a) of this chapter.
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(v) If the HCl emission rate exceeds 1.8 kilograms of HCl per hour (4 pounds per hour), a computation of HCl removal efficiency in accordance with § 264.343(b) of this chapter.

(vi) A computation of particulate emissions, in accordance with § 264.343(c) of this chapter.

(vii) An identification of sources of fugitive emissions and their means of control.

(viii) A measurement of average, maximum, and minimum temperatures and combustion gas velocity.

(ix) A continuous measurement of carbon monoxide (CO) in the exhaust gas.

(x) Such other information as the Director may specify as necessary to ensure that the trial burn will determine compliance with the performance standards in § 264.343 of this chapter and to establish the operating conditions required by § 264.345 of this chapter as necessary to meet that performance standard.

(8) The applicant must submit to the Director a certification that the trial burn has been carried out in accordance with the approved trial burn plan, and must submit the results of all the determinations required in paragraph (b)(6) of this section. This submission shall be made within 90 days of completion of the trial burn, or later if approved by the Director.

(9) All data collected during any trial burn must be submitted to the Director following the completion of the trial burn.

(10) All submissions required by this paragraph must be certified on behalf of the applicant by the signature of a person authorized to sign a permit application or a report under § 270.11.

(11) Based on the results of the trial burn, the Director shall set the operating requirements in the final permit according to § 264.345 of this chapter. The permit modification shall proceed according to § 270.42.

(c) For the purposes of allowing operation of a new hazardous waste incinerator following completion of the trial burn and prior to final modification of the permit conditions to reflect the trial burn results, the Director may establish permit conditions, including but not limited to allowable waste feeds and operating conditions sufficient to meet the requirements of § 264.345 of this chapter, in the permit to a new hazardous waste incinerator. These permit conditions will be effective for the minimum time required to complete sample analysis, data computation and submission of the trial burn results by the applicant, and modification of the facility permit by the Director.

(1) Applicants must submit a statement, with part B of the permit application, which identifies the conditions necessary to operate in compliance with the performance standards of § 264.343 of this chapter, during this period. This statement should include, at a minimum, restrictions on waste constituents, waste feed rates, and the operating parameters in § 264.345 of this chapter.

(2) The Director will review this statement and any other relevant information submitted with part B of the permit application and specify those requirements for this period most likely to meet the performance standards of § 264.343 of this chapter based on his engineering judgment.

(d) For the purpose of determining feasibility of compliance with the performance standards of § 264.343 of this chapter, the applicant for a permit for an existing hazardous waste incinerator must prepare and submit a trial burn plan and perform a trial burn in accordance with § 270.19(b) and paragraphs (b)(2) through (b)(5) and (b)(7) through (b)(10) of this section or, instead, submit other information as specified in § 270.19(c). The Director must announce his or her intention to approve the trial burn plan in accordance with the timing and distribution requirements of paragraph (b)(6) of this section. The contents of the notice must include: the name and telephone number of a contact person at the facility; the name and telephone number of a contact office at the permitting agency; the location where the trial burn plan and any supporting documents can be reviewed and copied; and a schedule of the activities that are required prior to permit issuance, including the anticipated time schedule for
agency approval of the plan and the time period during which the trial burn would be conducted. Applicants submitting information under §270.19(a) are exempt from compliance with 40 CFR 264.343 and 264.345 and, therefore, are exempt from the requirement to conduct a trial burn. Applicants who submit trial burn plans and receive approval before submission of a permit application must complete the trial burn and submit the results, specified in paragraph (b)(7) of this section, with part B of the permit application. If completion of this process conflicts with the date set for submission of the part B application, the applicant must contact the Director to establish a later date for submission of the part B application or the trial burn results. Trial burn results must be submitted prior to issuance of the permit. When the applicant submits a trial burn plan with part B of the permit application, the Director will specify a time period prior to permit issuance in which the trial burn must be conducted and the results submitted.

§270.63 Permits for land treatment demonstrations using field test or laboratory analyses.

(a) For the purpose of allowing an owner or operator to meet the treatment demonstration requirements of §264.272 of this chapter, the Director may issue a treatment demonstration permit. The permit must contain only those requirements necessary to meet the standards in §264.272(c). The permit may be issued either as a treatment or disposal permit covering only the field tests, or laboratory analyses, or as a two-phase facility permit covering the field tests, or laboratory analyses, and design, construction operation and maintenance of the land treatment unit.

(1) The Director may issue a two-phase facility permit if he finds that, based on information submitted in part B of the application, substantial, although incomplete or inconclusive, information already exists upon which to base the issuance of a facility permit.

(2) If the Director finds that not enough information exists upon which he can establish permit conditions to attempt to provide for compliance with all of the requirements of subpart M, he must issue a treatment demonstration permit covering only the field test or laboratory analyses.

(b) If the Director finds that a phased permit may be issued, he will establish, as requirements in the first phase of the facility permit, conditions for conducting the field tests or laboratory analyses. These permit conditions will include design and operating parameters (including the duration of the tests or analyses and, in the case of field tests, the horizontal and vertical dimensions of the treatment zone), monitoring procedures, post-demonstration clean-up activities, and any other conditions which the Director finds may be necessary under §264.272(c). The Director will include conditions in the second phase of the facility permit to attempt to meet all subpart M requirements pertaining to unit design, construction, operation, and maintenance. The Director will establish these conditions in the second phase of the permit based upon the substantial but incomplete or inconclusive information contained in the part B application.

(1) The first phase of the permit will be effective as provided in §124.15(b) of this chapter.

(2) The second phase of the permit will be effective as provided in paragraph (d) of this section.

(c) When the owner or operator who has been issued a two-phase permit has completed the treatment demonstration, he must submit to the Director a certification, signed by a person authorized to sign a permit application or report under §270.11, that the field tests or laboratory analyses have been carried out in accordance with the conditions specified in phase one of the permit for conducting such tests or analyses. The owner or operator must also submit all data collected during the field tests or laboratory analyses within 90 days of completion of those tests or analyses unless the Director approves a later date.