



Interoffice Communication

To J. C. Ledvina - Houston Chemicals
From R. Bryan
Date March 4, 1983
Subject BPT & BAT GUIDELINES FOR VCM

file: LCVCUM

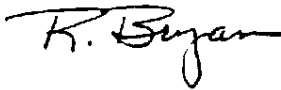
We have reviewed your preproposal draft of the BPT and BAT guidelines for BOD, TSS, and toxics and have the following comments:

- 1) The category IV guidelines when applied to the VCM Plant will require BOD and TSS reductions in the order of 50-75%. Table I shows that, while the average of BOD and TSS analysis for 1980-82 generally can meet the guidelines, on a day-to-day basis (or max. case), there will be problems. Therefore, without testing, we aren't sure if more treatment will solve the problem or what it will cost to meet the guidelines with a 95% confidence.
- 2) While it appears that Category IV, Type IV is appropriate, we certainly should satisfy ourselves that we cannot be classified as Type I (Oxidation). If different sections of the plant fall into different categories, how is the decision made as to the proper category? At this point, for planning, we should assume that the more restrictive category applies, but pursue resolution with the EPA, CMA, etc.
- 3) Based on the two 1979 samplings, it appears that we can meet the BAT toxics limits. Certainly more data will add credence to this statement and your proposal for further sampling in August is a good idea.
- 4) If Conoco can have an affect (either directly or through CMA, etc.) on increasing the levels of the proposed guidelines, we certainly should do so.
- 5) At this point, I'd propose the following action plan:
 - a) We should confirm the proper category for the VCM Plant. When the guidelines are issued, we should make appropriate efforts to increase the guideline levels if this is possible.
 - b) Complete the toxics testing that you have proposed for August.
 - c) Reserve the AQAT trailer for use at the VCM Plant about August to ascertain the type treatment needed for compliance.

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J. C. Ledvina
Page 2

- d) Determine a timetable for our NPDES permit renewal. This will be needed for capital budgeting.



R. Bryan
Chief Process Engineer

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cc: JAD-JWW-PLF-DLD-MGH
Lew Cresswell

VVC 000013942

TABLE I

EPA Preproposal Draft BPT Levels

I. Proposed Levels by EPA for VCM Plant, Category IV, Type IV

	<u>BOD₅</u>			<u>TSS</u>		
	<u>Mg/l</u>	<u>Lbs*</u>	<u>Current Permit, lbs.</u>	<u>Mg/l</u>	<u>Lbs*</u>	<u>Current Permit, lbs.</u>
30 day Avg.	27	171	600	39	247	558
Daily Max.	69	692	1350	115	1153	1256

II. Past Secondary Performance (ppm or mg/l)

	<u>BOD₅</u>			<u>TSS</u>		
	<u>Avg.</u>	<u>σ</u>	<u>95% Confidence ($2\sigma + \text{Avg.}$)</u>	<u>Avg.</u>	<u>σ</u>	<u>95% Confidence ($2\sigma + \text{Avg.}$)</u>
1980	36.8	65.2	167.0	34.2	29	92.2
1981	6.0	12.1	30.2	23.0	19.5	62.0
1982	18.3	33.9	86.1	20.2	26.5	73.0

*Based on 1.20455 MGD Max. Flow
0.761 MGD Avg. Flow

Flow rates obtained from 1981 permit renewal application.

BEVERIDGE & DIAMOND, P.C.

RECEIVED

FOR YOUR INFORMATION
GARY BAISE

RECEIVED
FEB 18 1983

JAMES J. DOYLE
2. BIR

February 8, 1983

MEMORANDUM TO RCRA/SUPERFUND FILE

I. Enforcement Guidance on Burning Hazardous Waste as Fuel

In an effort to close what is considered by many to be a loophole in the RCRA regulations, EPA issued a guidance memorandum on January 18, 1983 outlining the Agency's policy for determining when burning hazardous waste or hazardous waste-derived fuels in boilers will be considered legitimate recycling under 40 C.F.R. § 261.6(a)(1) and thus exempt from regulation. This memorandum is the first step in the Agency's plan to regulate more extensively the blending and burning of hazardous waste as fuel.

The guidance document explains that the current exemption for recycled hazardous waste is confined to "beneficial" and "legitimate" uses, and that blending and burning of hazardous wastes as fuels can be a type of recycling within the exemption so long as those activities constitute legitimate, and not sham, recycling. Although the Agency will generally determine whether recycling is legitimate on a case-by-case basis considering all the circumstances, the memo provides a number of factors to be weighed in determining what constitutes "sham burning." Of primary significance in most cases is the energy value of the hazardous wastes being blended. Direct burning of wastes with little or no heat value usually will not be considered to be legitimate recycling. Similarly, it may not be legitimate recycling to burn mixtures of hazardous wastes as fuel, or mixtures of wastes and non-waste fuel, when one or more of the hazardous wastes has little or no heat value. Knowingly adding wastes with little or no heat value to a material intended to be burned as fuel likely will be considered sham recycling. Enforcement personnel will use the heating value of low energy commercial fuels, such as wood or low-grade subbituminous coal, as a benchmark for determining whether wastes have adequate heat value to be considered legitimate fuels. (The memorandum includes a partial list of the Part 261, Appendix VIII hazardous constituents that have heating values below those of commercial fuels.)

Other criteria which are likely to be considered in determining whether particular burning activities are legitimate recycling include whether usable heat is recovered from the unit; whether recovered heat is used only

cc: J. Ledvina
J. Hall
M. Hayes

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