

To: J. G. Cole

From: J. D. Rodman

Date: October 12, 1992

Subject: Response to J. G. Cole's Comments on "Benzene NESHAP WOPER and Sludge Removal from Tanks" Memo dated September 25, 1992

Interoffice
Communication

VISTA

On October 12, 1992, I received from you a copy of my memo on "Benzene NESHAP WOPER and Sludge Removal from Tanks" dated September 25, 1992. (See attached.) You asked several questions about the memo and I will try to answer them.

Q. Is this only sludge from "waste management units"?

A. The issue of sludge and/or solids from equipment other than waste management units is not specifically addresses in the regulation. However, sludge that is removed from process units would be considered waste unless it is directly recycled. Waste is defined in the regulation as "any material resulting from industrial, commercial, mining or agricultural operations, ... that is discarded or is being accumulated, stored, or physically, chemically, thermally, or biologically treated prior to being discarded, recycled, or discharged." (See Section 61.341) Based upon what I know of the sludge removal that occurred during the last turnaround, I would say that the sludge from the Quench Area fits this definition of waste since it was steamed and sent to a landfill. If there is a way of selling the sludge and calling it a product or directly recycling it to the process, it would be possible to avoid the consequences of falling under the NESHAP WOPER regulation.

Q. What is the definition of "waste management units"?

A. The definition of a waste management unit from the regulation is "a piece of equipment, structure, or transport mechanism used in handling, storage, treatment, or disposal of waste. Examples of a waste management unit include a tank, surface impoundment, container, oil-water separator, individual drain system, steam stripping unit, thin-film evaporation unit, waste inclinerator, and landfill." (See section 61.341)

Q. Would this apply to sludge from process equipment, such as Quench Tower?

A. See the answer to the first question.

I hope this answered some of your concerns. If you have any additional questions please call me at ext 5304.



J. D. Rodman

Attachment

CC: JF CWT CRD MGH JPW DJM - LCCP
DMJ - LCLAB
RCT - LCVCM
LLZ ~~VEV~~ - HOUSTON

VEV 000099585

TGG:AC:RJL:VEM:AJP:RF

XF _____

TO: Distribution

FROM: V. E. Messick

DATE: February 17, 1993

SUBJ: BENZENE WASTE NESHAP WORKSHOP

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communication

VISTA

EPA held a workshop on the Benzene Waste NESHAP on February 11, 1993. Attached are handouts from the meeting. Significant items of discussion are listed below.

1. The discussion on what is a waste and point of generation was not conclusive. The major points are:
 - a. Bob Lucas stated that the agency had tried to use a common sense approach. He didn't believe that industry would list products as waste. He said it is their intent to regulate wastes, not products. There are some grey areas, but if it can be demonstrated that materials are products, then they aren't wastes.
 - b. The original example where the product/waste came up was spent caustic. The agency said that the fact that it is sold does not mean it is not a waste. He said that if a company would demonstrate that it is a raw material, to a process, then it wouldn't be a waste.
 - c. It was pointed out that the definition of waste focused on discarding or discharging. The audience tried to pin down the definition of recycle. Bob Lucas stated that the broadest definition is to use or reuse. He said the RCRA definition should not be used. He did not define it further even when pushed.
 - d. If a material is a waste and does not leave the process unit, it is not subject to Subpart FF.
 - e. Point of generation is after a material leaves a process unit. The test of a process unit is if it is integral to the process.
 - f. When asked if the economics of running a process unit could be considered in determining if a process is integral, the answer was that it is a valid factor to consider.
 - g. The two basic questions to ask if a stream is subject to Subpart FF are; 1) Is it a waste? 2) The point of generation or where the material leaves a process unit? When a material re-enters a process unit, it stops being subject to Subpart FF.

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- h. Examples of points of generation were discussed. These are attached. The point of generation changes depending on if the equipment is an integral part of the unit. The burden of proof is on the owner/operator to show that the equipment is integral.
 - i. An example of an off spec product being generated and stored prior to being brought back into the process was given. In this case, the off spec product tank would be subject to the regulations.
- 2. If a facility is subject to both the Benzene Waste NESHAP and other regulations such as the HON, then the unit would comply with both. When questioned about duplicate recordkeeping, monitoring and recording, they stated that requirements should be similar, but some duplication would probably occur. They encouraged working with the HON writers to minimize duplication. They stated that the CAAA states that the most stringent requirements apply on an item by item basis.
- 3. Sealing requirements for containers were discussed. Large roll off boxes with no capability to be gasketed and sealed were brought up as a problem. There are no exclusions in the rule. Containers can be opened and closed during filling and unloading. Items like this are reason for the 2 Mg/yr exceptions.
- 4. The agency reversed the previous position that emergencies/spills would not be a violation of the standard. The enforcement person said there are no specific exceptions in the rule, spills would potentially be a violation left to the discretion of the local enforcement authorities.
- 5. The agency will issue a CTG for industrial wastewater by November 1993. A draft will be available soon. This will regulate OCPSF type industries in non-attainment areas. Refineries are exempt. Again, the most stringent rules will apply.
- 6. Caution was given to pay close attention to tank drawdown controls since some facilities could exceed exemptions quickly if organics were improperly drained.
- 7. The agency cautioned industry to be careful of double counting. In some cases, the material into a tank is counted and when sludge is removed it should not be double counted.
- 8. If product has left the facility and is spilled, it would not be subject to the regulation since this is not an effected source.

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9. The regulations apply to process turnarounds, not tank turnarounds. Tanks may be a part of process turnarounds.
10. The standard requires continuous records in places. The details of what that can mean should be worked out with local authorities. In absence of this, it means a strip chart.
11. Initial notices are required from all chemical manufacturing plants with 2800 series SIC codes regardless if benzene is present. The agency warned us that regional enforcement authorities are expecting the notification and a citation could be given if the notices are not submitted.
12. It was stated that if material is shipped offsite, then it is the generators responsibility to make sure that the material is handled in accordance with Subpart FF.

Veldon Messick

V. E. Messick
Director, Safety, Health & Environmental
Olefins and Vinyl Division

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Attachment

Distribution: M. G. Hayes, J. L. Wineman, J. P. Warner, C. R. Dutra, D. D. Raduenz-LCCP, M. R. Kane, D. M. Johnson-LCLAB, J. L. Johnson, A. A. Salah, R. C. Thomas, D. L. Mahler, A. C. Peek-Balt, L. L. Zimmerman-Houston