APPENDIX 112Q

HAZARDOUS WASTE COMBUSTORS NESHAP
(40 CFR 63 Subpart EEE)

CAA SECTION 112 NESHAP

REGULATORY STATUS

On 30 Sep 99 (64 FR 52827), EPA promulgated the NESHAP for hazardous waste combustor (HWC) units under joint authority of the Clean Air Act (CAA) and the Resource Conservation and Recovery Act (RCRA). HWC units include hazardous waste incinerators, hazardous waste burning cement kilns and hazardous waste burning light aggregate kilns. These standards will result in increased protection to human health and the environment over existing RCRA standards.

EPA issued a small portion of the NESHAP on 19 Jun 98 (63 FR 33782). This limited rulemaking included:

- Notification requirements for all sources subject to the HWC NESHAP. All source owners must submit a Notification of Intent to Comply (NIC) to the permitting agency by 30 Mar 00.) It also requires source owners to hold at least one public meeting to discuss their NIC at least two months before submitting their NIC. Source owners that do not intend to comply must also submit a NIC that contains a schedule showing steps they will take to cease combustion within two years of the effective date of the emission standards.

- Allowances for extensions to the compliance period to promote the installation of cost-effective pollution prevention technologies to replace or supplement emission control technologies for meeting the emission standards.

- A conditional exclusion from RCRA for fuels which are produced from a hazardous waste, but which are comparable to some currently used fossil fuels.

- A new RCRA permit modification provision called the "Fast Track Policy". This policy limits the amount of time that your RCRA regulator may take to approve or disapprove any changes made to a combustor's air pollution control devices as long as the changes are intended to bring the combustor into compliance with the HWC NESHAP.

RULE SUMMARY

Applicability

The rule applies to both major and area HAP sources and therefore affects all HWCs. EPA decided to regulate area sources, because HWCs emit a number of the HAPs singled out in CAA §112(c)(6) such as dioxins, furans, mercury, and polycyclic organic matter. Congress requires EPA to assure that sources accounting for at least 90 percent of emissions of §112(c)(6) HAPs are subject to MACT standards. Congress singled out these HAPs because of their propensity to cause substantial harm to human health and the environment via indirect exposure pathways (i.e., from the air through other media, such as water, soil, food uptake, etc.). The current RCRA

standards do not consider indirect exposure pathways, which EPA has determined to be a serious health risk problem.

Exemptions

Exemptions from the NESHAP are as follows:

- If you previously were an affected source ***and*** you ceased feeding hazardous waste for a period of time greater than the waste residence time (i.e., hazardous waste no longer resides in the combustion chamber); ***and*** you are in compliance with the closure requirements of either 40 CFR Part 264 Subpart G or Part 265 Subpart G; ***and*** you begin complying with the requirements of all other applicable standards; ***and*** you inform your permitting authority in writing that you are no longer an affected source.

- You are a research, development, and demonstration source ***and*** you operate for no longer than one year after first burning hazardous waste. Note: This can be extended on a case-by-case basis upon your written request documenting when you first burned hazardous waste and the justification for needing additional time to perform research, development, or demonstration operations.

- The only hazardous wastes you burn are exempt from regulation under §266.100(b).

Compliance Deadlines

Table 1 shows the compliance dates for new and existing sources.

Compliance Extension

Existing source owners may request an extension of the compliance date for up to one year. An extension may be granted if you can reasonably document that the installation of pollution prevention or waste minimization measures will significantly reduce the amount and/or toxicity of hazardous wastes entering the feedstream(s) of the HWC, and that you could not install the necessary control measures and comply with the emission standards and operating requirements by 30 Sep 02. EPA included this compliance extension to encourage pollution prevention as opposed to traditional “end of pipe” controls.

Nearly every state provides free technical assistance and pollution prevention/waste minimization opportunities. To obtain further information on how to obtain this assistance, contact your state permitting agency or the National Pollution Prevention Roundtable at (202) 466-7272. Other sources of information include Enviro$ense, an electronic library on pollution prevention, technical assistance, and environmental compliance and The Joint Service Pollution Prevention Library.

Table 1: Compliance Deadlines

Affected Source	Date Construction or Reconstruction Commenced [a]	Compliance Deadline
Existing	≤19 Apr 96 [b]	30 Sep 02
New	>19 Apr 96 [c]	30 Sep 99 or Startup

[a] EPA considers the date that construction/reconstruction began to be the date that the combustor owner submitted the application for a permit to begin construction/reconstruction.

[b] Unless you are granted an extension under §63.6(i) or §63.1213 or you comply with §63.1206(a)(2) for sources that do not intend to comply with the emission standards.

[c] Owners of new sources that complied with the less stringent proposed standards by 30 Sep 99 (or upon startup, if startup occurred before 30 Sep 02), have until 30 Sep 02 to comply with the more stringent standards in the final rule. This does not apply to new or reconstructed area sources that become major sources after 30 Sep 99. Refer to 63.1206(a)(3). This compliance relief applies to: Cd, Pb, Hg, HC, HCl, Cl_2, and PM. Tables 2 and 3 show the final and proposed emission standards, respectively.

Key Definitions

Hazardous Waste is defined in 40 CFR 261.3. (*Solid Waste* is defined in 40 CFR 261.2.)

Hazardous waste combustor means a hazardous waste incinerator, hazardous waste burning cement kiln, or hazardous waste burning light weight aggregate kiln.

Hazardous waste incinerator means a device defined as an incinerator in 40 CFR 260.10 and that burns hazardous waste at any time.

Incinerator [from 40 CFR 260.10] means any enclosed device that: (1) Uses controlled flame combustion and neither meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor is listed as an industrial furnace; or (2) Meets the definition of infrared incinerator or plasma arc incinerator.

Hazardous waste burning cement kiln means a rotary kiln and any associated preheater or precalciner devices that produces clinker by heating limestone and other materials for subsequent production of cement for use in commerce, and that burns hazardous waste at any time.

Dioxin/furan and dioxins and furans means tetra-, penta-, hexa-, hepta-, and octa-chlorinated dibenzo dioxins and furans.

Hazardous waste lightweight aggregate kiln means a rotary kiln that produces clinker by heating materials such as slate, shale and clay for subsequent production

of lightweight aggregate used in commerce, and that burns hazardous waste at any time.

TEQ means toxicity equivalence, the international method of relating the toxicity of various dioxin/furan congeners to the toxicity of 2,3,7,8-tetrachlorodibenzo-p-dioxin.

Standards

The NESHAP includes eight emissions standards for individual HAPs, group of HAPs, or HAP surrogates. Table 2 shows the final emission standards for hazardous waste combustors. Standards for kilns are not included in this HAP Status Binder appendix. The rule regulates dioxins/furans; mercury; particulate matter (PM); semivolatile HAP metals (SVM) such as lead (Pb) and cadmium (Cd); low-volatile HAP metals (LVM) such as antimony (Sb) arsenic (As), beryllium (Be), and chromium (Cr); carbon monoxide (CO); hydrocarbons (HC); and total chlorides. Some of the standards in the final rule are more stringent than originally proposed. Therefore, new sources that commenced construction or reconstruction between the proposal and promulgation dates are given extra time to comply with the final standards, if they comply with the proposed standards. Refer to Table 1 footnote c. Table 3 shows the proposed standards for hazardous waste combustors.

EPA used the following approaches to establish standards:

- *Metals*: EPA grouped metal HAPs by their relative volatility and established emission limits for each volatility group. This approach reduces the number of potential emission limits. Grouping metals is reasonable since control strategies are governed by a metal's volatility.

- *Organic HAPs*: Emission limits for dioxin/furan are on a Toxicity Equivalent Basis (TEQ). Limits on flue gas concentrations of HC and CO are HAP surrogates for all other non-dioxin organic emissions. If a source elects to use the hydrocarbon limit for compliance, then it must continuously monitor and comply with the hydrocarbons emission standard. However, this type of source need not monitor carbon monoxide emissions or carbon monoxide monitoring parameters because hydrocarbons emissions are a more direct surrogate for non-dioxin organic HAP emissions. Limits for PM are also surrogates for those semivolatile organic HAPs adsorbed on to PM.

- *Hydrochloric Acid and Chlorine*: Standards are combined into one because of the difficulties in differentiating between the two during testing.

- *PM*: PM is a surrogate for metal HAPs which are not specifically specified in the metals standards that are adsorbed or entrained onto the PM.

Table 2: Emission Standards for Hazardous Waste Combustors

HAP or HAP Surrogate	Emission Standards [a]	
	Existing Sources	New Sources
Semivolatile HAP metals [Cd, Pb]	240 µg/dscm	24 µg/dscm [c]
Low-volatile HAP metals [As, Be, Cr]	97 µg/dscm	97 µg/dscm
Mercury	130 µg/dscm	45 µg/dscm [c]
Dioxins/Furans	0.20 ng/dscm TEQ -or- 0.40 ng/dscm TEQ [b]	0.20 ng/dscm TEQ
CO (over an hourly rolling average, monitored continuously, dry basis) –and- HC at anytime during DRE test runs or their equivalent §63.1206(b)(7) (over an hourly rolling average, monitored continuously, dry basis, reported as propane) -or- HC (over an hourly rolling average, monitored continuously, dry basis and reported as propane)	100 ppmv -and- 10 ppmv -or- 10 ppmv	100 ppmv [c] -and- 10 ppmv [c] -or- 10 ppmv [c]
HCl + Cl_2 dry basis	77 ppmv	21 ppmv [c]
Destruction and removal efficiency (DRE) for each principle organic hazardous constituent (POHC)[d] under §63.1203(c)(3).	99.99%	99.99%
DRE for dioxin listed wastes: FO20, FO21, FO22, FO23, FO26, FO27 for each POHC designated under §63.1203(c)(3).	99.9999%	99.9999%
Particulate Matter	34 mg/dscm	34 mg/dscm [c]

[a] All emission limits are corrected to 7 percent O_2.

[b] Provided that the combustion gas temperature at the inlet to the initial PM control device is 400 degrees F or lower based on test run averages.

[c] Standard is stricter than proposed, see Table 1 footnote c for alternative compliance deadlines.

[d] POHC as established by 42 USC 7412(b)(1) excluding caprolactam (CAS 105602).

Table 3: Proposed Emission Standards for Hazardous Waste Combustors

HAP or HAP Surrogate	Proposed Standards [a]	
	Existing Sources	New Sources
Semivolatile HAP metals [Cd, Pb]	270 µg/dscm	62 µg/dscm
Low-volatile HAP metals [As, Be, Cr, Sb]	210 µg/dscm	60 µg/dscm
Mercury	50 µg/dscm	50 µg/dscm
Dioxins/Furans	0.20 ng/dscm TEQ	0.20 ng/dscm TEQ
CO	100 ppmv	100 ppmv
HC	12 ppmv	12 ppmv
HCl + Cl_2	280 ppmv	67 ppmv
Particulate Matter	69 mg/dscm	69 mg/dscm

[a] All emission limits are corrected to 7 percent O_2.

Performance Test Requirements

After this rule's final compliance date, combustor owners and operators must periodically conduct two kinds of Performance Tests: A Comprehensive Performance Test and a Confirmatory Performance test. Conduct each test at least once every five years. Time the confirmatory test to occur about halfway between the date of the previous comprehensive performance test, and the date of the next comprehensive performance test.

A Comprehensive Performance Test is required to demonstrate compliance with emission standards provided by §§63.1203, 63.1204, and 63.1205; establish limits for the operating parameters in §63.1210; and to demonstrate compliance with the performance specifications for continuous monitoring systems (CMS). Commence your initial comprehensive performance test within 6 months of this rule's final compliance date. (i.e. by 30 Mar03 for existing sources or within 6 months of first burning hazardous waste for new sources.) You may use previously collected data in lieu of collecting some or all data required for the initial comprehensive performance test. If your combustor is scheduled to conduct a burn test between 30 Sep99 and 30 Sep02, your RCRA regulator may allow you to save money by replacing the burn test with a comprehensive performance test.

A Confirmatory Performance Test is required to demonstrate compliance with the D/F emission standard and normal equipment wear and tear should be evaluated.

Monitoring Requirements

HWCs shall be equipped with continuous emissions monitors (CEMS) for CO and HC standards. An Oxygen CEM must be used to correct the CO and HC levels to 7 percent.

Notification Requirements

Table 4 summarizes the notification requirements for HWC units. Some of these requirements are described in the following paragraphs.

Notification of Intent to Comply/Not Comply (NIC)

You must periodically update your CAA regulator and your community on your progress towards complying with this rule, or towards ceasing hazardous waste combustion. You must provide your CAA regulator a NIC by 30 Sep 00, and a Final Progress Report by 30 Sep 01. If you intend to cease burning hazardous waste so that you will not be affected by this rule, provide your regulator a Notice of Intent Not to Comply by 30 Sep 01.

Your NIC informs your regulator and your community of your plan to bring your combustor into compliance with this rule. It describes:

- Your combustion operations.
- Air pollution control technology upgrades that may be required to meet this rule's requirements.
- Air emissions monitoring that may be required to meet this rule's requirements.
- Milestone dates by which you will identify the air pollution control technologies and air emissions testing necessary to comply with this rule.
- Milestone dates by which you will purchase equipment and services necessary to upgrade your air pollution controls and air emissions testing.

Prior to submitting your NIC, you must hold at least one informal meeting to discuss the NIC with the public in accordance with §63.1210(c). The NIC will outline the activities necessary to achieve compliance with the emission standards as outlined in §63.1210(b)(1)(ii). This meeting must be held prior to the submission of the NIC to the permitting agency, but no later than 31 Jul 00. The NIC is due 2 Oct 00.

There are a number of requirements for this public meeting as delineated in §63.1210(c). You must provide public notice of the NIC meeting at least 30 days prior to the meeting and you must provide public notice in all of the following forms:

- Newspaper advertisement.
- Visible and accessible sign.
- Broadcast media announcement.
- Notice to the facility mailing list.

If you submit a *Notification of Intent to Comply,* you must include:

- The name and address of the owner/operator and the source.
- Whether the source is a major or an area source.
- Waste minimization and emission control technique(s) being considered.
- Emission monitoring technique(s) you are considering.
- Waste minimization and emission control technique(s) effectiveness.
- A description of the evaluation criteria used or to be used to select waste minimization and/or emission control technique(s).
- A statement that you intend to comply with the emission standards of this subpart.
- The date by which you will achieve final compliance.
- Air pollution control strategies which may allow your combustor to meet this rule's limits.
- Air emissions monitoring equipment and automatic waste feed cut-off equipment that will allow your combustor to meet this rule's requirements.
- Timeline for identifying and implementing an air pollution control plan to meet this rule's limits.
- Timeline for identifying air emissions monitoring and automatic waste feed equipment necessary for complying with this rule.

If you submit a *Notification of Intent to Not Comply,* you must:

- Stop burning hazardous waste by 1 Oct 01 and
- Include a schedule that includes key dates for the steps to be taken to stop burning hazardous waste. Key dates include the date for submittal of RCRA closure documents required under 40 CFR 264 Subpart G.
- The previous two bullets do not apply if you will stop burning hazardous waste by 30 Sep 02 and you need to combust the hazardous waste from another on-site source, during the year prior to 30 Sep 02 because that other source is either:
  (1) Installing equipment to come into compliance with the emission standards; or
  (2) Installing source reduction modifications to eliminate the need for further combustion of wastes.

Performance Test Plans

At least one year before you plan to commence any Performance Test, submit a Performance and Evaluation Plan to permitting authority for review. This plan describes your performance test, and how it will establish operating parameter limits that guarantee compliance with the HWC NESHAP limits. Your CAA regulator must approve this plan before you commence the performance test.

Notice of Compliance

Within 90 days of completing a performance test (the performance test is complete once you gather the final sample) submit a completed Notice of Compliance (NOC) to your regulator. The NOC lists the operating parameter limits under which your

combustor meets this rule's air emissions limits. Calculate these operating parameter limits using your performance test data. Include the calculations in the NOC. Once your regulator approves a NOC, this notice's operating parameter limits become the legal operating parameter limits for your combustor, superceding limits in previous NOCs and DOCs.

Reporting and Recordkeeping Requirements

Table 5 and Table 6 summarize the reporting and recordkeeping requirements for HWC units, respectively.

Documentation of Compliance

By the compliance date, you must develop and include in the operating record a Documentation of Compliance (DOC). The DOC must identify the applicable emission standards and the limits on the operating parameters under § 63.1209 that will ensure compliance with those emission standards. You must base operating parameter limits on engineering calculations. Include these calculations in the DOC. The combustor owner must certify that the DOC is accurate and will guarantee compliance with this rule's requirements. The operating parameter limits in the DOC are the combustor's legal operating limits until the DOC is replaced by the Notice of Compliance.

Table 4: Summary of Notification Requirements

Reference	Notification, Request, Petition or Application
40 CFR Part 63.9(b)	Initial notifications that you are subject to the Subpart EEE of this Part
40 CFR Part 63.1210(b) and (c)	Notification of intent to comply (NIC)
40 CFR Part 63.9(d)	Notification that you are subject to special compliance requirements
40 CFR Part 63.1207(e), 63.9(e), 63.9(g)(1) and (3)	Notification of performance test and continuous monitoring system evaluation, including the performance test plan and CMS performance evaluation plan. You may also be required on a case-by-case basis to submit a feedstream analysis plan under 40 CFR Part 63.1209(c)(3).
40 CFR Part 63.1210(d), 63.1207(j), 63.9(h), 63.10(d)(2), 63.9(e)(2)	Notification of compliance, including results of performance tests and continuous monitoring system performance evaluations
40 CFR Part 63.1206(b)(6)	Notification of changes in design, operation or maintenance
40 CFR Part 63.9(j)	Notification and documentation of any change in information already provided under Section 63.9
The following apply if you elect to comply with alternative or flexible requirements:	
40 CFR Part 63.1206(b)(5), 63.1213. 63.6(i), 63.9(c)	You may request an extension of the compliance date for up to one year.
40 CFR Part 63.9(i)	You may request an adjustment to time periods or postmark deadlines for submittal and review of required information.

Table 4: Summary of Notification Requirements

Reference	Notification, Request, Petition or Application
40 CFR Part 63.1209(g)(1)	You may request approval of: (alternative monitoring methods, except for standards that you must monitor with a CEMS and except for requests to use a CEMS in lieu of operating parameter limits; or (2) a waiver of an operating parameter limit.
40 CFR Part 63.1209(a)(5), 63.8(f)	You may request: (1) approval of alternative monitoring methods for compliance with standards that are monitored with a CEMS; and (2) approval to use a CEMS in lieu of operating parameter limits.
40 CFR Part 63.1206(b)(1)(ii)(A)	Notification that you elect to document compliance with all applicable requirements and standards promulgated under authority of the CAA, including Sections 112 and 129, in lieu of the requirements of Subpart EEE of this Part when not burning hazardous waste.
40 CFR Part 63.1206(b)(5)(i)(C)(2)	You may request to burn hazardous waste for more than 720 hours and for purposes other than testing or pretesting after making a change in the design or operation that could affect compliance with emission standards and prior to submitting a revised NOC.
40 CFR Part 63.1206(b)(9)(iii)(B)	If you elect to conduct PM CEMS correlation testing and wish to have federal PM and opacity standards and associated operating limits waived during the testing, you must notify the regulatory authority by submitting the correlation test plan for review and approval.
40 CFR Part 63.1206(b)(14)	Owners or operators of incinerators may comply with an alternative PM standard of 68 mg/dscm, corrected to 7% oxygen, under a petition documenting de minimis metals levels in feedstreams.
40 CFR Part 63.1207(c)(2)	You may request to base initial compliance on data in lieu of a comprehensive performance test.
40 CFR Part 63.1207(d)(3)	You may request more than 60 days to complete a performance test if additional time is needed for reasons beyond your control.
40 CFR Part 63.1207(i)	You may request up to a one-year time extension for conducting a performance test (other than the initial comprehensive performance test) to consolidate testing with other state or federally-required testing.
40 CFR Part 63.1207(j)(4)	You may request more than 90 days to submit a NOC after completing a performance test if additional time is needed for reasons beyond your control.
40 CFR Part 63.1207(l)(3)	After failure of a performance test, you may request to burn hazardous waste for more than 720 hours and for purposes other than testing or pretesting.
40 CFR Part 63.1209(l)(1)	You may request to extrapolate mercury feedrate limits.
40 CFR Part 63.1209(n)(2)(ii)	You may request to extrapolate semi-volatile and low volatile metal feedrate limits.
40 CFR Part 63.10(e)(3)(ii)	You may request to reduce the frequency of excess emissions and CMS performance reports.
40 CFR Part 63.10(f)	You may request to waive recordkeeping or reporting requirements.
40 CFR Part 63.1211(e)	You may request to use data compression techniques to record data on a less frequent basis than required by Section 63.1209.

Table 5: Summary of Reporting Requirements

Reference	Report
40 CFR 63.1211(b)	Compliance progress report associated and submitted with the NIC
40 CFR Part 63.10(d)(4)	Compliance progress reports, if required as a condition of an extension of the compliance date granted under Section 63.6(i).
40 CFR Part 63.1206(c)(3)(vi)	Excessive exceedances report
40 CFR Part 63.1206(c)(4)(iv)	Emergency safety vent opening reports
40 CFR Part 63.10(d)(5)(i)	Periodic startup, shutdown and malfunction reports
40 CFR Part 63.10(d)(5)(ii)	Immediate startup, shutdown and malfunction reports
40 CFR Part 63.10(e)(3)	Excessive emissions and CMS performance report and summary report

Table 6: Summary of Recordkeeping Requirements

Reference	Document, Data or Information for Operating Record
40 CFR Part 63.1201(a), 63.10(b) and (c)	General. Information required to document and maintain compliance with the regulations of Subpart EEE, including data recorded by CMS and copies of all notifications, reports, plans, and other documents submitted to the regulatory authority
40 CFR Part 63.1211(d)	Documentation of Compliance (DOC)
40 CFR Part 63.1206(c)(3)(vii)	Documentation and results of the AWFCO operability testing
40 CFR Part 63.1209(c)(2)	Feedstream analysis plan
40 CFR Part 63.1206(b)(1)(ii)(B)	If you elect to comply with all applicable requirements and standards promulgated under authority of the CAA, including Sections 112 and 129, in lieu of the requirements of Subpart EEE when not burning hazardous waste, you must document in the operating record that you are in compliance with those requirements.
40 CFR Part 63.1206(c)(2)	Startup, shutdown and malfunction plan
40 CFR Part 63.1206(c)(3)(v)	Corrective measures for any automatic waste feed cutoff that results in an exceedance of an emission standard or operating parameter limit
40 CFR Part 63.1206(c)(4)(ii)	Emergency safety vent operating plan
40 CFR Part 63.1206(c)(4)(iii)	Corrective measures for any emergency safety vent opening
40 CFR Part 63.1206(c)(6)	Operator training and certification program
40 CFR Part 63.1206(c)(7)	Ramp down procedures for waste feed cutoffs
40 CFR Part 63.1209(k)(6)(iii), 63.1209(k)(7)(ii), 63.1209(k)(9)(ii), 63.1209(o)(4)(iii)	Documentation that a substitute activated carbon, dioxin/furan formation reaction inhibitor, or dry scrubber sorbent will provide the same level of control as the original material.

RCRA Considerations

Hazardous Waste Combustors with RCRA permits remain subject to RCRA stack air emissions limits and operating parameter limits until the RCRA permit is modified. The installation must negotiate with the RCRA regulator to replace RCRA health risk based air emissions limits with the HWC NESHAP limits. Sources must

continue to comply with RCRA non-MACT provisions. Sources must also comply with RCRA Subparts AA, BB and CC.

Fast Track Policy

The combustor's RCRA regulator must approve any change to a combustor's RCRA operating permit. Installations that must change their air pollution control strategy, air monitoring strategy, or operating parameter limits to meet the HWC NESHAP requirements must obtain their RCRA regulator's approval for any of these changes. EPA, foreseeing that this approval process could delay air pollution control upgrades long enough to cause a combustor to violate the HWC NESHAP, established a "Fast Track" approval process. Under the Fast Track program, any change to an air pollution control device, operating parameter, or monitoring device to meet the HWC NESHAP requirements is a class 1 change. When an installation submits a class 1 change, the regulator must approve or forbid the change within 90 days. The regulator may request a 30 day extension to this limit. Each State with RCRA authority must approve the Fast Track program before combustors operating in that State may request Fast Track approval for changes to the RCRA permit. Combustor owners or operators may submit a request for a class 1 change at any time after they submit their NIC.

Site Specific Risk Assessments

As part of EPA's Hazardous Waste Minimization and Combustion Strategy, EPA has a national RCRA policy of strongly recommending to all federal and state RCRA permit writers that, under the omnibus permit provisions of RCRA §3005(c)(3), site-specific risk assessments be performed as part of the RCRA permitting process if necessary to protect human health and the environment. EPA regions and authorized states have been implementing this national policy since mid-1993 under the provisions of the omnibus and other applicable authorities.

The Combustion Strategy encourages site-specific risk assessments to ensure that, all RCRA combustion permits being issued are sufficiently protective. Specifically, these site-specific risk assessments were intended to address potential concerns about a number of HAPs among them dioxins, furans, metals, and non-dioxin products of incomplete combustion (PICs).

EPA has conducted a risk evaluation under RCRA of the degree of protection afforded by the proposed NESHAP for the HAPs addressed in the proposed rule. However, with respect to mercury and non-dioxin PICs, EPA does not at this time have sufficient reliable data to be able to assess, on a national basis, the magnitude of the risks that can routinely be expected from burning hazardous waste in HWCs. Therefore, the EPA is continuing its policy of recommending that, if necessary to protect human health and the environment, site-specific risk assessments be conducted as part of the RCRA permitting for all hazardous waste combustors

(incinerators, boilers, and industrial furnaces alike) until national standards for HAPs of concern are in place.

Considerations for site specific assessments include but are not limited to:

- The current level of HAPs being emitted by a facility in comparison to the MACT standards and exposure scenarios used in the RCRA risk evaluation of the proposed MACT standards.
- Whether the facility is exceeding the proposed HAP standards, particularly for dioxins/furans and mercury, what immediate measures could be instituted to reduce those emissions.
- The scope of waste minimization efforts at the facility with respect to the HAPs of concern and the status of implementation of any facility waste minimization plan.
- Particular site-specific considerations such as proximity to receptors, unique dispersion patterns, etc.
- The PICs most likely to be found and those most likely to pose significant risk.
- The presence or absence of other sources of HAPs in sufficient proximity as to exert a significant influence on interpretation of a facility-specific risk assessment.
- The presence or absence of significant ecological considerations, including for example high background levels of a particular contaminant or proximity of a particularly sensitive ecological area.
- The volume and types of wastes being burned.

SUBSEQUENT REGULATORY ACTIVITY

19 Nov 99 (64 FR 63209) Correction

These corrections:

- Change 40 CFR 63.1210 to clarify that only those elements enumerated in §63.1210(b)(1)(ii) which actually apply to the particular source must be addressed by the source in its Notice of Intent to Comply.
- Change 40 CFR 63.1211 to clarify that Progress Reports do not need to contain evidence of a "binding contractual commitment" to purchase, build and install needed equipment, if the work will be performed using the facilities own internal resources.
- Correct a typographical error to Table 1 in 40 CFR 261.38--Detection and Detection Limit Values for Comparable Fuel Specification. The correct value for the Antimony specification should be a concentration limit of 12 mg/kg at 10,000 BTU/lb.
- Add a clarifying note to Appendix VIII Table to 40 CFR 266--Organic Compounds for Which Residues Must Be Analyzed which states that "Analysis is not required for those compounds that do not have an established F039 nonwastewater concentration limit.

MILITARY SOURCES

The Navy is building at least one hazardous waste incinerator in the CONUS and the Army has several existing units. The Army incinerators are mostly used for the destruction of munitions.

An environmental organization is claiming that some military incinerators used at remediation sites are HWCs and are covered by this rule. The Services are looking into this issue. A notice will be posted on the web page for this appendix if Service counsel renders an opinion. In the meantime, facilities with site remediation incinerators should examine the rule for potential applicability. If such units are indeed covered, then all of the Services will likely be affected by this NESHAP.

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