

The Big Issues

Decisions are Site Specific



TechLaw February 2002

Day 1 The Big Issues

2

Permitting of Subpart X units requires the permit writer to be multi-educated on all types of units. Part of the permitting process includes assessing which specific regulated units to draw operating conditions from. This is the looks like acts like theory. Because the specific units such as tanks or incinerators have been permitted and the technologies researched for many years, the guidance and regulations for these units are drawn on.

Many Subpart X units are similar, such as burning in pans, but every facility has its unique differences. That is why Subpart X permitting is difficult. Subpart X requires each media to be evaluated for releases and impacts. Since every facility is located in a different place the conditions are always changing. A certain amount of conditions can be uniformly applied, but every site has specific changes.

Determining if the Unit Should Have Interim Status

TechLaw February 2002

Day 1 The Big Issues

3

Subpart X units have to comply with the same existence requirements as any other type of unit. If it was in existence in 1980, a Part A application should have been submitted. Permit applications were required in 1988. If a Subpart X unit is discovered during an inspection, enforcement discretion must be applied as to whether the unit should be shut down if not permitted, or emergency permits issued, or some other enforcement agreement set in place.

Open burning or detonation sites are more likely to have emergency permits applied. But, enforcement has the final say in the matter.

Product Use versus Waste Disposal



TechLaw February 2002

Day 1 The Big Issues

4

Areas where new units may be found are training ranges and shooting ranges. Facilities should have documentation to verify that real training is occurring and not treatment or disposal.

If there is a question as to product use versus waste treatment/disposal, the facility should provide a description of how the material is being used as a product. As stated in the preamble to the Military Munitions Rule, munitions used in training require training records to support product use.

Any time someone is “giving away” material for use by someone else, it brings the question of is it a solid waste, is it hazardous, and how is it being used. This includes as an example left over fireworks from commercial celebration displays, or manufacturers off-spec materials.

Ancillary versus Stand Alone Permitting

- Ancillary equipment means any device including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to a storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal on-site, or to a point of shipment for disposal off-site.
- (Reference 40 CFR §260.10)

The definition implies that ancillary equipment must be attached physically between two units, or a unit and a point of disposal, or the generation point and a tank.

Although the definition appears limited to tanks being involved, the term ancillary has also been used in permitting devices attached to incinerators and other hazardous waste units that distribute, meter, or control flow of the waste to the permitted unit.

If ancillary is not used, miscellaneous units and devices that are used to store or treat wastes would fall into the Subpart X permitting realm.

Other Types of Equipment

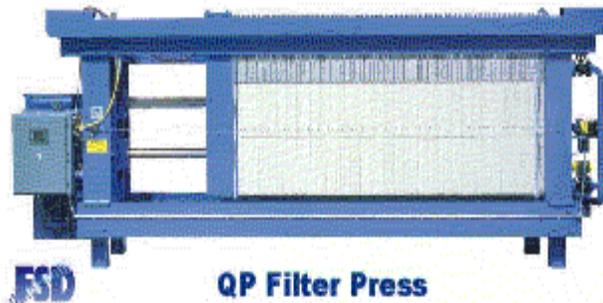
- Equipment used in the treatment process or management of the waste at the treatment unit need to be described in the permit application.



When dealing with compatibility issues, all equipment coming into contact with the wastes needs to be addressed.

If explosives are involved, safety considerations must be made for non-static materials, and materials that can handle an accidental explosion without harming the operator. Operator protection is very important and safety should come first.

Ancillary, NPDES, or Subpart X?



TechLaw February 2002

Day 1 The Big Issues

7

Filter presses are a unit that have typically had dual regulatory issues. In some cases the Clean Water Act may be permitting the unit as a part of the facility NPDES permit. If the unit manages hazardous waste, the unit would be subject to Subpart X permitting.

Close attention has to be made on permitting standards that apply to both laws.

Flashing Potentially Contaminated Materials



TechLaw February 2002

Day 1 The Big Issues

8

The Department of Defense Explosives Safety Board (DDESB) requires that materials that come in contact with explosives be flashed or burned. DDESB has various levels of certification of contamination free. The facility should have records established on where these wastes are coming from and show contact has actually occurred. If contact occurs the material may be considered a hazardous waste due to the mixture or residue rule. Otherwise the materials should be handled as a solid waste and not burned in the hazardous waste treatment area.

Flashing Pallets



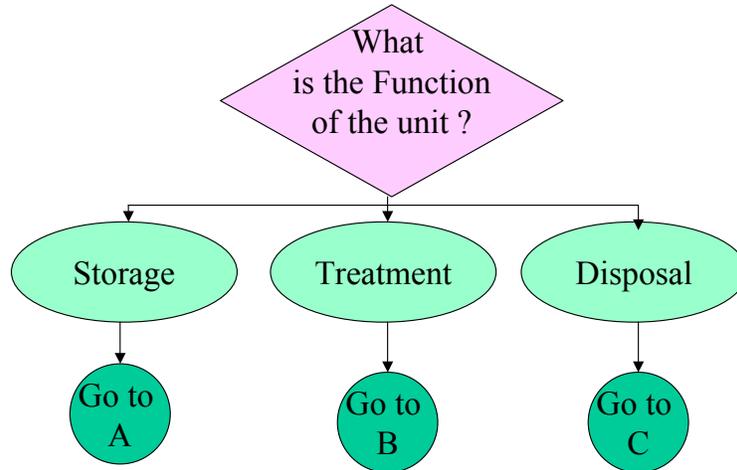
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Day 1 The Big Issues

9

The flashing issue has been a concern for scrap metal entering the recycling system. There has been at least one case in California where a person died at a recycling center due to improper certification. To side with caution is fine, the facility just needs to comply with the permitting conditions and these materials must be included in waste analysis and risk assessments.

Regulatory Checklist

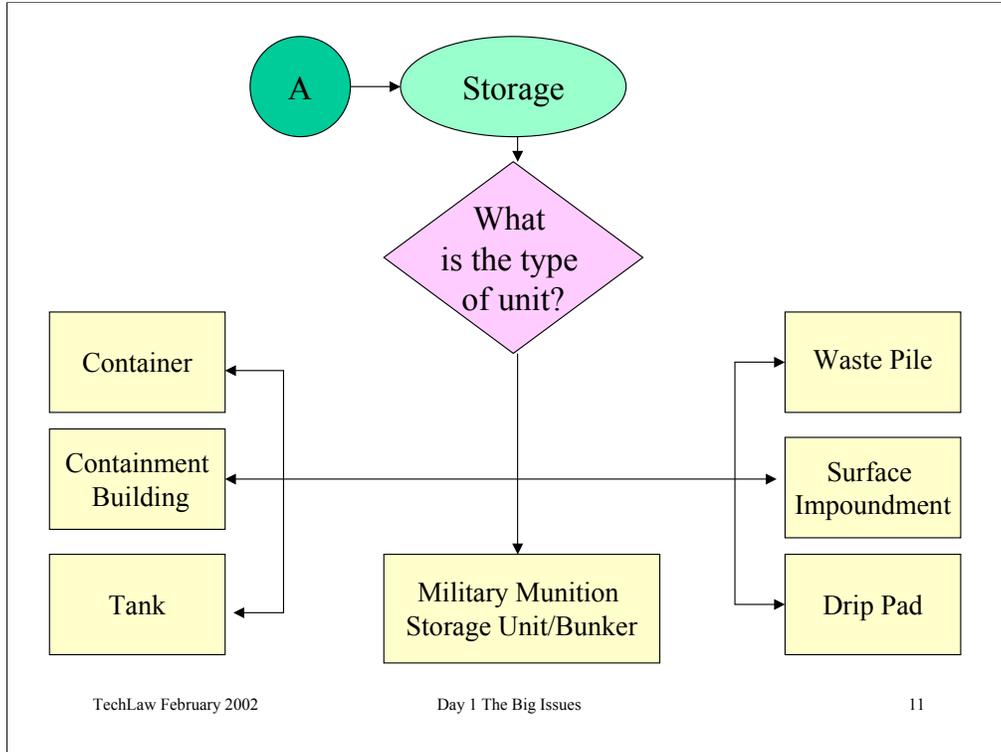


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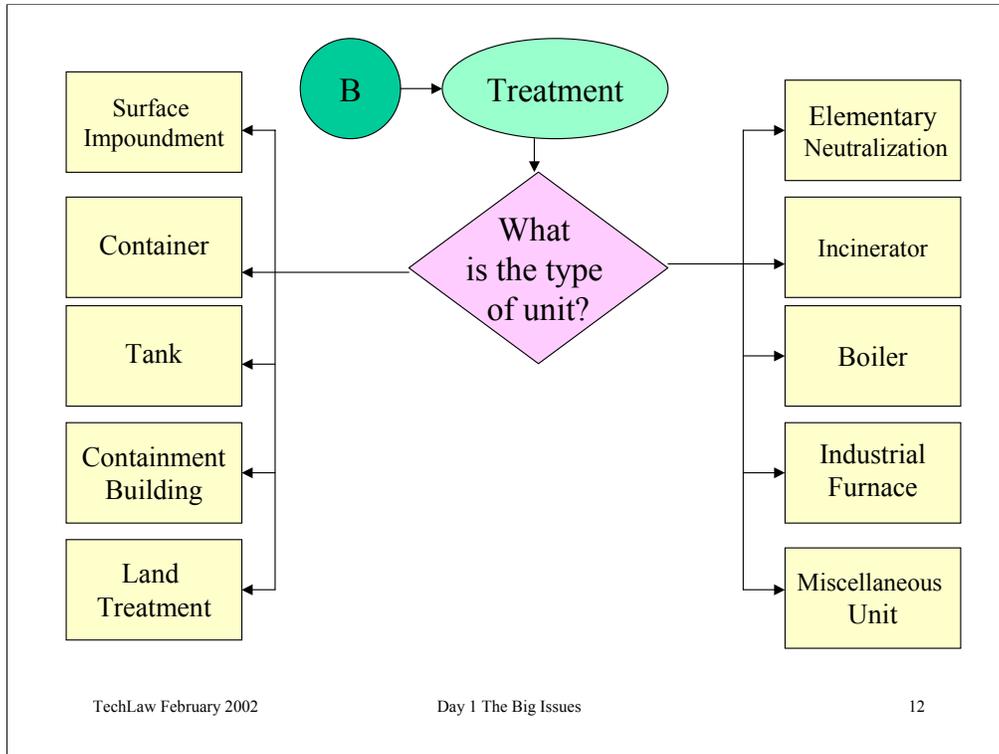
Day 1 The Big Issues

10

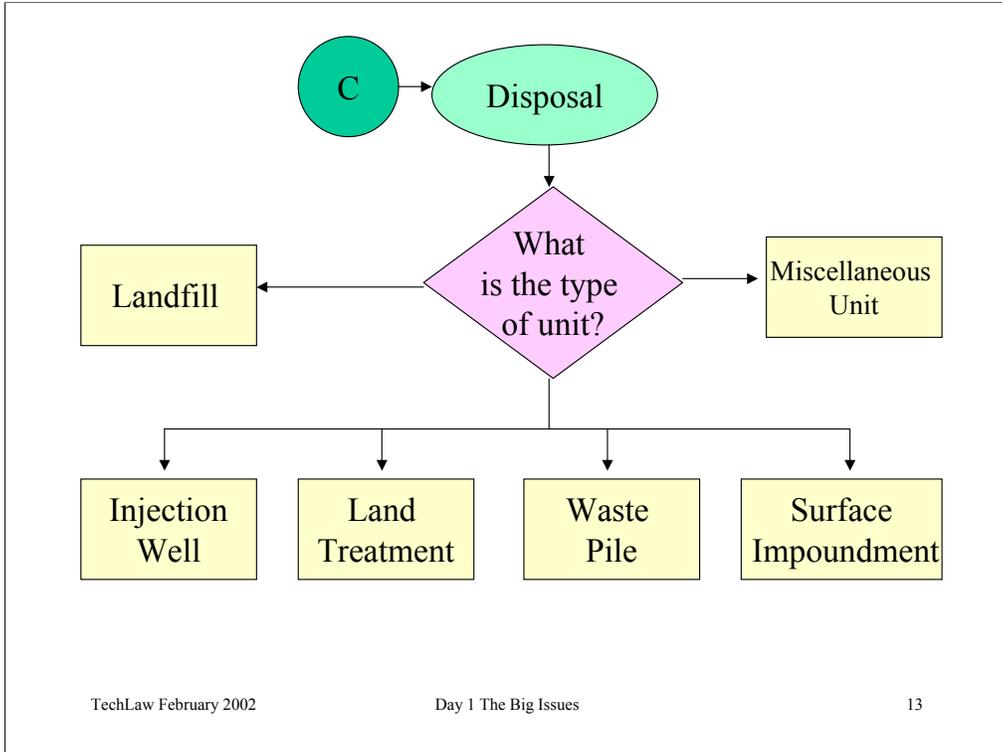
Think of the flow of the regulatory process. Determining what type of unit it is and how it is regulated.



Storage tends not to have a miscellaneous unit type.



Thermal treatment ban include the processes of incineration or open burning (Refer to 40 CFR §260.10, definition of thermal treatment).



Any Other Big Issues?



End of Big Issues



TechLaw February 2002

Day 1 The Big Issues

15