

NEWMOA Hazardous Waste Training Conference Call – 12/8/09
Applying the Totally Enclosed Treatment Facility (TETF) Exemption

Participants: CT, NH, NY, VT, EPA-1.

CT: Paul Franson/Ross Bunnell

- CT has adopted by reference the three applicable federal regulations – 260.10 (definition), 261.5(c)(2) (quantity determination and do not need to count towards generator status), and 270.1(c)(2)(iv) (RCRA Permit exclusion).
- No written specs/guidance on TETF.
- Companies do not come for prior approval but see in the field on inspections.
- Use RCRA On-Line and 1/13/97 Region 1 Cellini letter when deal with TETF.
- CT Water Program does not recognize Zero Discharge Units therefore these units are not exempt from RCRA permits.
- Some systems can meet both the “closed loop exemption” under 261.4 and TETF.
- CT has an evaporator policy which says that they can operate as a TETF if emissions are condensed in a chiller and reused in process so there is no release to environment.

NH: Wendy Bonner

- NH also follows the same federal regulations for TETF as above for CT.
- NH’s Limited Permit Program applies to wastewater treatment units (WTU), elementary neutralization units (ENU), and evaporators.
- One facility (DG O’Brien) that uses the CAST System (subject of Cellini letter) and also has an ENU so the facility needs a Limited Permit. If only had CAST system, the facility would not be subject to a Limited Permit due to the unit being a TETF.
- NH allows hazardous waste to be evaporated if approved/allowed by the NHDES Air Program. Facility would need to show that air emission discharges do not significantly impact ambient air quality. CT commented that their state does not allow the evaporation of hazardous waste.

NY: Tom Killeen

- NY also follows the same federal regulations for TETF as CT and NH.
- Use EPA Guidance for applying exemption, specifically the 2/18/83 EPA letter (RCRA Online 12097) (attached) that sets out 3 criteria a TETF must meet:
 - Be completely contained on all sides,
 - Pose negligible potential for release to environment, and
 - Be connected directly by pipeline to process.
- Have only come across a few or upon request by company to review.
- Does not apply as frequently as the “closed loop exemption”.
- Last request was from Keyspan where gas condensate was treated in a carbon canister and returned to the pipeline. Keyspan had to create a LDR certification letter for their files. Tom will forward that letter to Bill Cass for distribution.

EPA-1: Sharon Leitch/Steve Yee

- EPA-1 uses the 1/13/97 Cellini as guidance on TETF and Sharon will send this letter to Bill Cass for distribution. Also available on EPA-1's Hazardous Waste Policy Compendium webpage.
- Steve mentioned that Region has an Evaporator Project on-going that is looking at how the wastewater treatment exemption has been applied over the years and if that should continue.

Question – Ross posed the question of what is meant in the exemption by “enclosed” and how “enclosed” does the unit have to be to meet the exemption. For example, if the unit has an opening for a mixer is that OK, and where do States draw the line. Steve Yee referred to the AA/BB/CC Rule for guidance on “negligible releases” which may help define this better.

TGL
12/10/09