



Fw: Applicability Determination - 40 CFR 423

palmeag to: John King

08/08/2011 10:06 AM

From: palmeag@nu.com
To: John King/R1/USEPA/US@EPA

In case you hadn't heard, there are others in your office looking at this issue. Have you pursued any further?

----- Forwarded by Allan G. Palmer/NUS on 08/08/2011 10:03 AM -----

From: Ronald Breton <ronald.breton@gza.com>
To: "Pimpare.Justin@epamail.epa.gov" <Pimpare.Justin@epamail.epa.gov>
Cc: "Carlson, George" <George.Carlson@des.nh.gov>
Date: 08/08/2011 09:24 AM
Subject: FW: Applicability Determination -40 CFR 423

Jay: Based on George's email below do you still want us to provide the information listed in 403.6?

-----Original Message-----

From: Carlson, George [<mailto:George.Carlson@des.nh.gov>]
Sent: Monday, August 08, 2011 8:34 AM
To: Pimpare.Justin@epamail.epa.gov
Cc: Ronald Breton
Subject: RE: Applicability Determination -40 CFR 423

Jay:

According to Jeff Andrews (NHDES) who is working with EPA on the NPDES permit and confirmed in my telcon with your David Webster last week, the subject FGD waste stream is not currently subject to current effluent guidelines but EPA is working on it and developing them for the future. The NPDES permit should be done for the subject discharge before that happens and it will then not be hauled and come under pretreatment. They are looking to temporarily haul the waste to Manchester, Concord, Hooksett and Allenstown, for which I am working on the approvals. Up to 70,000 gpd total initially. Any of the four can handle it alone but they are applying to four to cover bases. Will be highly treated (enough for NPDES direct discharge) and therefore "clean" prior to hauling. I have looked at the pollutant loadings expected and not a problem. POTWs just want to regulate it properly, so need assurance from EPA (email ok) if is or is not a CIU.

Dave Webster said he was trying to contact you and Mark about this.

George

NH Department of Environmental Services
Tel (603) 271-2052
Fax (603) 271-4128
Email: george.carlson@des.nh.gov

-----Original Message-----

From: Pimpare.Justin@epamail.epa.gov [mailto:Pimpare.Justin@epamail.epa.gov]
Sent: Sunday, August 07, 2011 10:03 PM
To: Ronald Breton
Cc: Carlson, George
Subject: Re: Applicability Determination -40 CFR 423

Hi Ron,

While 423.17 does list certain wastestreams that are applicable and regulated, we would need more information to do a categorical determination. Can you provide more information and provide that to me in accordance with 403.6? In the meantime, I will contact our NPDES staff to find out more information on the subject in hopes that they have already made a determination.

Sorry, but I need more information on what the facility actually does since I am not familiar with this facility.

Thanks
Jay

From: Ronald Breton <ronald.breton@gza.com>
To: Justin Pimpare/R1/USEPA/US@EPA
Cc: "Carlson, George" <George.Carlson@des.nh.gov>
Date: 08/04/2011 10:09 AM
Subject: Applicability Determination -40 CFR 423

Jay: We represent a client that owns and operates a fossil fuel steam electric generating facility in NH. This facility is in the process of adding a Flue Gas Desulfurization (FGD) air pollution control system. As you may know, these FGD systems have a blowdown requirement to control TDS and other contaminants. This blowdown stream is being treated by state -of the art advanced treatment. We are currently in discussions with various POTWs in the area to accept this treated effluent by truck on a temporary basis (until such time that the facility receives its final NPDES permit from Region 1). The POTWs have requested concurrence with our determination that the treated FGD waste stream is not subject to 40 CFR 423 (specifically .17) . It is our opinion/determination that .17 would only apply to the following specific waste streams :

- (a) PCBs
- (b) Chemical Metal Cleaning Wastes
- (c) Cooling Tower Blowdown

<http://www.gpo.gov/fdsys/pkg/CFR-2009-title40-vol28/xml/CFR-2009-title40-vol28-sec423-17.xml>

In an effort to assist us with the POTW approval/ permitting process, could you issue a reply to this email stating EPA's position on this applicability question? Thanks

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