



**Re: Fw: Applicability Determination -40 CFR 423**  
**palmeag** to: John King

08/09/2011 01:03 PM

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

History: This message has been replied to.

Self explanatory? Did you read it? I think it says what I've been telling everyone all along; the facility is categorical per Part 423, but the wastestream itself has no categorical pretreatment standards.

From: king.john@epamail.epa.gov  
To: Allan G. Palmer/NUS@NU  
Date: 08/09/2011 08:57 AM  
Subject: Fw: Applicability Determination -40 CFR 423

----- Forwarded by John King/R1/USEPA/US on 08/09/2011 08:57 AM -----

From: Mark Spinale/R1/USEPA/US  
To: David Webster/R1/USEPA/US@EPA, John King/R1/USEPA/US@EPA  
Date: 08/08/2011 09:26 PM  
Subject: Fw: Applicability Determination -40 CFR 423

Dave/John-

Please see the email below from Jay to the Bow facility's consultant. It appears that based on the information Jay has obtained, the facility IS subject to the 423 Steam Electric regulations and would be considered a categorical user in the pretreatment world.

Jay's email is pretty self explanatory, but call me if you have further questions.

Mark

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----- Forwarded by Mark Spinale/R1/USEPA/US on 08/08/2011 09:09 PM -----

From: Justin Pimpare/R1/USEPA/US  
To: Ronald Breton <ronald.breton@gza.com>  
Cc: "Carlson, George" <George.Carlson@des.nh.gov>  
Date: 08/08/2011 08:27 PM  
Subject: Re: FW: Applicability Determination -40 CFR 423

Hi Ron,

I've talked to our NPDES staff and since they are familiar with the facility, they have informed me that overall, yes, the facility is subject to 40 CFR 423. If you did not know, HQ is working on revising the Steam Electric 423 regulations, and the Flue Gas Desulfurization (FGD) process will be a regulated wastestream. Sorry, but I do not have a timeframe on when that will occur and I do not know what pollutants will be, if any, regulated under that process.

If you would like something more formal, then yes, please provide a determination under 403.6. Since the facility is covered under 423, keep in mind that all other wastestreams generated at the facility may be covered under categorical standards. Again, I don't have a lot to go on with this situation other than the facility is looking to send FGD only????? waste to a POTW?

Regardless of whether or not a POTW can handle such waste, I would be very careful as to how the 423 regulations may apply to this particular wastestream. Again, the facility itself is considered a CIU. I'm away from the office so email is best way to communicate with me for a while.

Jay

From: Ronald Breton <ronald.breton@gza.com>  
To: Justin Pimpare/R1/USEPA/US@EPA  
Cc: "Carlson, George" <George.Carlson@des.nh.gov>  
Date: 08/08/2011 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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