



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: Z000001

Category: NESHAP
EPA Office: OAQPS
Date: 08/25/1993
Title: Benzene Waste Operations
Recipient: Kirby Boston
Author: John Seitz

Subparts: Part 61, FF, Benzene Waste Operations

References: 61.341

Abstract:

Q: Are sodium crasylate and sulfidic caustic solutions covered by the Benzene Waste Operations NESHAP?

A: No. Sodium crasylate and sulfidic caustic solutions do not meet the definition of "waste" or "material subject to this subpart" in the Benzene Waste Operations NESHAP if they (1) are stored, transported, and managed in ways that are customary for other commercial products; and (2) are used as produced, as raw materials, or process chemicals by industry.

Letter:

United States Environmental Protection Agency
Office of Air Quality Planning and Standards
Research Triangle Park, North Carolina 27711

AUG 25 1993

Mr. Kirby L. Boston, Esq.
Vice President and General Counsel
Merichem Company
4800 Texas Commerce Tower
Houston, Texas 77002-3088

Dear Mr. Boston:

This is in response to your letter of March 12, 1993, to Bob Lucas regarding the regulatory status of sodium crasylate and sulfidic caustic solutions under the Benzene Waste Operations national emission standards for hazardous air pollutants (NESHAP) (subpart FF of 40 CFR part 61). In your letter, you requested that the Environmental Protection Agency (EPA) issue a regulatory determination that these solutions are not covered by the Benzene Waste Operations NESHAP.

We have reviewed the information submitted by Merichem describing how these solutions are produced and managed by the petroleum refiners and how Merichem's uses of these solutions do not involve recycling processes. Based on this information, the EPA has determined that sodium crasylate and sulfidic caustic solutions do not meet the definition of "waste" or "material subject to this subpart" in the Benzene Waste Operations NESHAP once the solutions have been loaded for shipment under contract to Merichem if they (1) are stored, transported, and managed by Merichem in ways that are customary for other commercial products; and (2) are used as produced, as raw materials, or process chemicals by industry. This determination does not modify or affect the definition of waste set forth in 40 CFR Section 61.341 as that regulation applies to all materials at a petroleum refinery.

I appreciate this opportunity to be of service, and trust this information will be helpful to you. If you have any questions on this matter, please call Bob Lucas at (919) 941-0884.

Sincerely,

John S. Seitz
Director
Office of Air Quality Planning and Standards

cc: Bruce Jordan, EPA/OAQPS
John Rasnic, EPA/OAQPS
EPA Regional Air Enforcement Branches
Bob Martineau, EPA/OGC