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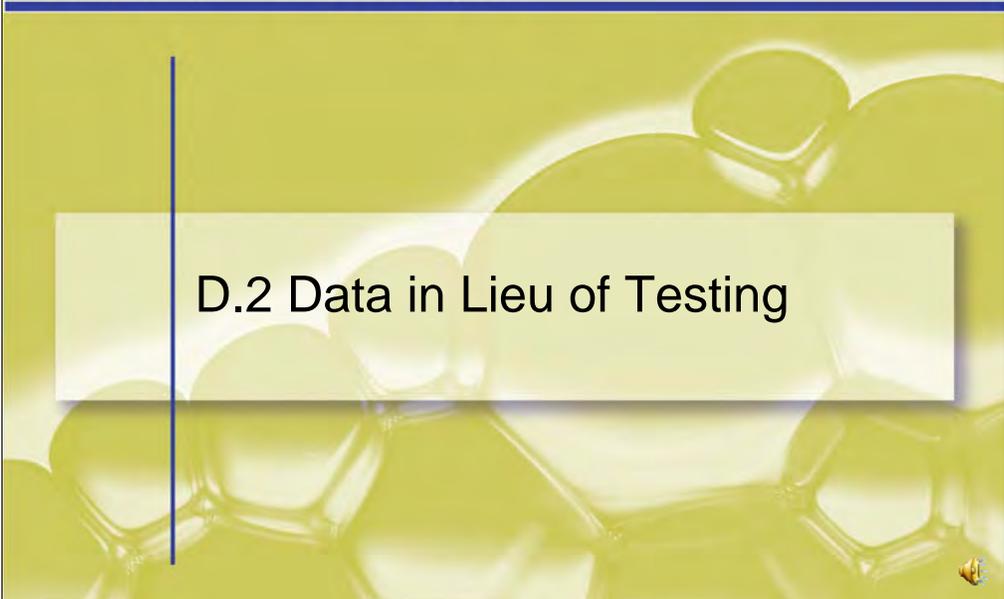
United States Environmental Protection Agency

# MACT EEE Training Workshop

Dallas, Texas November 3-7, 2008

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## D.2 Data in Lieu of Testing



This module discusses several key aspects of the Data in Lieu of Testing Provisions of Subpart EEE.

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## Presentation Overview

- Regulatory Provisions
- Examples of different types
- Procedures to process DILo requests



The regulatory provisions, some examples and the procedures required to manage these DILo requests will be discussed.

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### Summary of Regulations - 40 CFR § 63.1207(c)(2)

- Provision allows for submittal of results from previous testing for the initial CPT as long as:
  - Previous results were from testing within 4 ½ years
  - Testing satisfies appropriate QA/QC
  - Testing was conducted under conditions sufficient to establish appropriate operating conditions
  - If appropriate, chlorine and ash feed rates must be at normal rates or higher
- DILO of age restriction does not apply to DRE, unless facility feeds waste at location other than the normal flame zone



The regulations under Subpart EEE provide HWC facilities and option to utilize historical test data to show compliance applicable standards and set OPLs. There are several reasons why this can be appropriate. The first two are that one, a number of facilities have conducted previous testing under the prior Subpart EEE standards that addresses the same requirements that apply now. And while in some cases, the actual standards may be a bit different, the performance test data meets all current test needs and is suitable. The second reason is somewhat related in that once an HWC sets its operating rates and procedures and is satisfied, there is no interest in changing them, so any repeat testing would only be just that and not accomplish anything. This is particularly true for DRE testing, which for many facilities has been something that had to be performed as early as 20 and 25 years ago now and facilities would not do anything different in conducting those tests today.

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### Types of Testing That May Qualify as DILO

- Previous CPT performed under Interim Standards that can be used to show compliance with Permanent Standards
- RCRA Trial Burn
  - Might not be a time limit for DRE
- Other testing approved by agency that meets HWC MACT QA/QC criteria and for which there is adequate process data to set OPL's
- Other testing that agency reviews and determines is adequate



These are some examples of prior tests that facilities may have conducted the can and have been used for data in lieu of (or DILO). CPTs performed under the Subpart EEE Interim Standards, possibly RCRA Trial Burn results, particularly those tests design to address both sets of regulatory requirements. HWC's may also perform other testing, e.g., mini-burns, that are sufficiently robust to address required QA/QC and establish OPLs.

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### Examples of Previous Testing That Can be a Candidate for DILO

- DRE testing under RCRA Trial Burn
  - Full test
  - Re-confirming minimum temperature
- Joint RCRA Trial Burn /MACT CPT
  - All MACT parameters and OPLs



DRE testing performed under RCRA is one of the primary tests that can be considered as DILO under Subpart EEE. The main thing to consider for this is whether the HWC has changed feed or operations in a way that might indicate a need to repeat this work. Additionally, as mentioned on the previous slide, some test programs are being design as joint RCRA and Subpart EEE testing so that the MACT parameters and OPLs can be set as well as those need to be set under a facility's RCRA permit.

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### Different Types of Data in Lieu

- DILO testing results can be used in place of actual testing on the same unit, and/or
- Can also be used in place of testing on a “similar” unit



Another are that DILO has been utilized is to apply data from one unit to another similar unit. The key here is to determine what constitutes a “similar” unit.

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### Evaluating Whether Units are “Similar”

- Units are clones physically, every aspect identical –
  - Process and mechanical design
  - Feed systems and feeds
  - Air and auxiliary fuel systems and fuels
  - Combustion chamber(s)
  - Air pollution control system



Some considerations are shown on this slide and deal with various aspects of design and operation.

Units are clones physically, if every aspect is identical including:

- Process and mechanical design,
- Feed systems and feeds,
- Air and auxiliary fuel systems and fuels,
- The combustion chamber(s), and
- The air pollution control system.

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### Evaluating Whether Units are “Similar”

- Units are not total clones, but many features are virtually the same
  - Same process design – feed systems, combustion chambers, APC, etc.
  - Same feeds, possibly different rates
  - Some differences in equipment sizes, but same manufacturers. For example -
    - Two kilns, same style, purpose, close on diameter, different length, or
    - Same combustion chamber geometry and burner configuration, but slightly different firing capacities, everything else is the same



In some cases, HWC's may be built that are very much identical on all aspects. There are however, a number of examples of units where agencies have approved them as “similar” and allowed the data from a test for one to be applied to the other unit. Some aspects of the actual units in these situations are summarized on this slide.

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### Evaluating Whether Units are “Similar”

- Units made by same vendor
- Different capacities
- Have similar but different equipment
- Processes different waste streams



Some aspects of similar units that may need to be reviewed a little more closely are summarized on this slide. It should be noted however, that there are numerous examples where units fitting these kinds of circumstances have been allowed to use DILO.

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### Procedures for DILO Requests

- Regulations allow that DILO testing can be used to replace all CPT results
  - Incorporate with CPT Plan
  - Incorporate with notification of intent to test
- Important to allow for public comment regarding the use of DILO



The regulations contain provisions for obtaining approval for DILO requests and this is primarily through the CPT Plan submittal, review and approval process. It is also important to note that public involvement procedures should include DILO requests to assure that the public does indeed have a chance to provide comment on this approach.

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## Evaluating Data in Lieu of

- For applying data from earlier testing
  - Verify feed and operating conditions that earlier data demonstrated is the same as current
  - Verify test methods are the same
  - Verify QA/QC procedures were followed consistent with testing done today



Several key aspects in considering whether to approve a data in lieu of request for the use of earlier data for the same unit are:

Verify feed and operating conditions that earlier data demonstrated is the same as current,

Verify test methods are the same, and

Verify QA/QC procedures were followed consistent with testing done today

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### Evaluating Unit Similarity

- List major features and sizes or capacities of each unit
  - Feeds
  - Feed systems
  - Combustion chambers and burners
  - Air, auxiliary fuel(s)
  - Air pollution control



Agencies should consider the similarities summarized on this slide in evaluating DILo requests for applying data from one unit to another similar unit.