

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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MEMORANDUM

SUBJECT: Beryllium Regulations

FROM: Director  
Division of Stationary Source Enforcement

TO: Stephen A. Dvorkin, Chief  
General Enforcement Branch  
Region II

This is in response to your memo of May 10, 1979, in which you requested a determination regarding the applicability of the beryllium standard to municipal incinerators. Basically, you asked whether the term "beryllium containing waste", as defined in §61.31(g) of the regulations, includes materials such as discarded electronic calculators and scrap metals which may be burned in municipal incinerators or whether it includes only those beryllium wastes generated at ceramic plants, extraction plants, foundries, and propellant plants.

I interpret the term "beryllium containing waste", defined as:

"material contaminated with beryllium and/or beryllium compounds used or generated during any process or operation performed by a source subject to this subpart"

to include only those wastes generated by a foundry, extraction plant, ceramic plant or propellant plant. While one might argue that incinerators are also "sources subject to this subpart" (see above definition) and that any beryllium wastes that contain beryllium which are burned in any incinerator should be subject to the standard, the control techniques and background documents do not support such an interpretation.

Section 3.6 of the document entitled "Control Techniques for Beryllium Air Pollutants" (February 1973) contains a discussion of methods for disposal of beryllium containing wastes. The document clearly indicates that it was the incineration of wastes generated by extraction plants, ceramic plants, propellant plants

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and foundries that we were concerned about in developing the standard. Moreover, the Economic Impact section of the document "Background Information on Development of National Emission Standards for Hazardous Air Pollutants: Asbestos, Beryllium, and Mercury" (March 1973) discusses the impact of the standard on only four industries: ceramic plants, extraction plants, propellant plants, and foundries. An assumption is made that most of the sources in those four categories will incinerate their own wastes on site. Thus, the cost of controlling emissions from beryllium incinerators seems to be taken into account in estimating the cost of the standard to the four listed source categories. This is one further indication that the standard was only intended to apply to the incineration of wastes generated at foundries, ceramic plants, extraction plants, and propellant plants. There certainly is no indication in either the preambles to the proposed and promulgated standards or any of the background documents that the standard was intended to apply to each municipal incinerator.

While most generators of "beryllium containing waste" may incinerate their wastes on site it is possible that in some cases they may transport the wastes to another facility for disposal. Should the wastes be disposed of at a municipal incinerator, that incinerator would be subject to the beryllium regulations. The regulations apply to any incinerator which burns beryllium containing wastes generated at a foundry, ceramic plant, propellant plant or extraction plant.

If the Regional Offices are not certain where beryllium containing wastes are being incinerated and whether the incineration facilities are in compliance with the NESHAP regulations, it might be desirable to request this information from the owners of beryllium waste generators via §114 letter. In this manner, a list of incinerators subject to the beryllium standard could be assembled.

Should you wish to discuss this issue further, please contact Libby Scopino of my staff at FTS 755-2564.



Edward E. Reich

cc: Simms Roy, ESED  
Stu Roth, R. II, Enf.  
bcc: Gilberg, Scopino

EN-341:LScopino:ncb:7/12/79:52564

**ROUTING AND TRANSMITTAL SLIP**

Date

8/26/91

TO: (Name, office symbol, room number, building, Agency/Post)	Initials	Date
1. Chris Anderson		
2.		
3.		
4.		
5.		

Action	File	Note and Return
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As Requested	For Correction	Prepare Reply
Circulate	<input checked="" type="checkbox"/> For Your Information	See Me
Comment	Investigate	Signature
Coordination	Justify	

**REMARKS**

Enclosed please find the memo regarding beryllium containing waste. As indicated, the beryllium standard only applies to wastes generated by foundries, extraction plants, ceramic plants and propellant plants. If you have further questions, please call.

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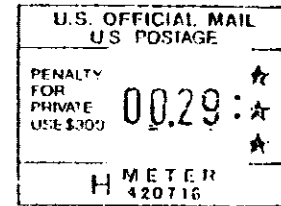
<b>FROM:</b> (Name, org. symbol, Agency/Post) Natalie W. Anderson, U.S. EPA Environmental Engineer	Room No.—Bldg. SAT-26
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