

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

July 25, 1990

Mr. Joseph M. Karas  
Senior Attorney  
PPG Industries, Inc.  
One PPG Place  
Pittsburgh, Pennsylvania 15272

Dear Mr. Karas:

Thank you for your letter of May 29, 1990, requesting an exemption for F024 from the 90-day national capacity variance granted to wastes included in the Third final rule (55 FR 22520, June 1, 1990). The Third final rule revised treatment standards for F024 that were originally promulgated as part of the Second Third rulemaking. The revised standards eliminate concentration standards for chlorinated dibenzo-dioxins and furans, and specify incineration for F024 organic constituents.

The Environmental Protection Agency (EPA) determined that the concentration-based treatment standards for dibenzo-dioxins and furans may hinder effective treatment because of the refusal of treatment facilities to accept these wastes due to the perceived stigma of managing wastes containing chlorinated dioxins and furans. While EPA was unable to select a surrogate that would ensure adequate treatment of those constituents, EPA believes that incineration technologies can effectively treat chlorinated dibenzo-dioxins and furans.

In your letter you requested that EPA issue a technical corrections to the Third final rule to establish an immediate effective date for F024. We will include an immediate effective for F024 in the technical correction notice for the Third. Until the correction notice is published, however, or until August 8, 1990, the Second Third standard remains in effect. While it was not our intent to delay the effective date of the revised F024 standard, a court may not find this expression of our intent to grant an immediate effective date for F024 sufficient to shield you from prosecution or from a citizen action against you, should you choose to act before the technical correction is published.

If you wish to discuss this issue further, please feel free to call Matthew Straus of my staff at (202) 382-6972.

Sincerely yours,

Don R. Clay  
Assistant Administrator

FaxBack # 11544