



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

MAR - 4 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Jeff Hohman
East Kentucky Power Cooperative, Inc.
P.O. Box 707
Winchester, KY 40392-0707

Dear Mr. Hohman:

This is in response to your letter of February 13, 1998 concerning the proper classification for utilities that incinerate oil which contains less than 50 ppm PCBs. In particular, you ask whether East Kentucky Power is considered a "Marketer," as defined at 40 CFR 761.3, when it incinerates oil less than 50 ppm that is collected from within your corporation and burned at your incinerator that is permitted by EPA to incinerate both PCB-Contaminated and non-PCB oils. You further state that the primary reason for incineration is disposal and not energy recovery and that at no time do you offer these services, for commerce, to individuals outside your corporation.

Due to the fact that the primary reason for burning the non-PCB (<50 ppm) oil is for purposes of disposal and not energy recovery coupled with the fact that you do not distribute in commerce non-PCB used oil fuels to other burners or marketers, East Kentucky Power is not considered a "Marketer" under the PCB regulations at 40 CFR part 761.

If you have any further questions or comments, you may contact Tom Simons of my staff at 202-260-3991.

Sincerely,

A handwritten signature in black ink that reads "Tony Baney". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

Tony Baney, Chief
Fibers and Organics Branch

cc: Craig Brown, USEPA Region IV



EAST KENTUCKY POWER COOPERATIVE, Inc.

4758 Lexington Road (40391)
P.O. Box 707
Winchester, Kentucky 40392-0707
Tel. (606) 744-4812
Fax. (606) 744-6008

February 13, 1998

Mr. Tony Baney
Chief of Fibers And Organics Branch
Mail Code 7404
U.S. EPA
401 M Street SW
Washington D.C. 20460

Dear Mr. Baney;

Recently Mark Kamber, Senior Chemist with East Kentucky Power, and I spoke with Tom Simons concerning the proper classification for utilities that incinerate oil which contain less than 50 ppm. There is some confusion between the utilities and the Kentucky Division of Waste Management pertaining to the determination of the classification "Marketer". According to your PCB Q & A Manual produced by the Operations Branch in 1994, "Owners and operators of facilities which process and/or distribute in commerce for energy recovery used oil containing any detectable level of PCBs are referred to as "Marketers" of used oil fuels".

East Kentucky Power is permitted by EPA to incinerate PCB contaminated and non-PCB oil at the Dale Power Station. All of the non-PCB oil is collected from within our corporation (East Kentucky Power and our 17 Member Cooperatives) and incinerated without any process or distribution in commerce. The non-PCB oil is screened and batch tested for disposal. If the gas chromatograph sample is determined to be less than 50 ppm, the oil is collected and transported to Dale for incineration. This primary reason for incinerating this oil is to provide a safe and inexpensive method of disposal of the non-PCB oil. As a result of burning the oil, East Kentucky Power does benefit from improved heat rate but the primary reason for incineration is disposal and not energy recovery. All collection, transportation and disposal is performed by East Kentucky Power and our 17 Member Cooperatives. At no time does East Kentucky Power offer these services, for commerce, to individuals outside the corporation.

I would appreciate it if you could draft a letter stating whether our incineration process does or does not qualify EKPC as a "Marketer". This letter would be forwarded to Susan Taylor (Kentucky Division of Waste Management) and kept on file at East Kentucky Power for future reference. Thank you for responding to this matter.

Sincerely,

Jeff Hohman