

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAY 1, 1991

Mr. James C. Maes, Vice-President  
Blue Beacon International, Inc.  
500 Graves Blvd. P.O. Box 856  
Sauna, KS 67402-0856

Dear Mr. Maes:

This is in response to your March 1, 1991 letter regarding new solid waste regulations. Specifically, you expressed concerns with the prohibition on liquids in landfills and the Toxicity Characteristic Leaching Procedure (TCLP) used in the recent Toxicity Characteristic (TC) rule.

Your first concern deals with the drying of waste so as to remove the free liquid prior to disposal. Apparently, you are referring to the Agency's prohibition on liquids in hazardous waste landfills, whereas your letter indicates that you have determined that your waste is not a hazardous waste. If your waste is not hazardous, the federal regulations regarding liquids in hazardous waste landfills are not applicable. If a similar prohibition for non-hazardous waste landfills is being imposed by state or local regulations, your concerns should be expressed to those agencies.

Your second concern relates to the new Toxicity characteristic rule and the TCLP test used in that rule. The TC rule is used to identify wastes that are defined as "hazardous" under federal regulations. Our regulations require generators of solid waste to determine whether their waste exhibits the TC or any other hazardous waste characteristic. This determination can be made either by testing the waste or by using knowledge of the waste to determine whether a characteristic is exhibited. Additionally, a combination of the two approaches can be used (e.g., if it is known that certain TC hazardous constituents could not be present in the waste, but others are likely to be present, the TCLP can be performed for the suspected constituents only).

As to your suggestion regarding a statistically valid sampling program to characterize your industry's wastes, we believe that this is a sound approach to waste characterization and, to the extent that the waste is not highly variable, much more reasonable than sampling every load of waste destined for disposal. However, since it is not federal regulation that is requiring actual testing of your waste (as your letter recognizes, it is landfill owners that are apparently requiring you to perform these tests) you should work with the landfill operators to determine a sampling/testing protocol that they will accept. EPA guidance on sampling procedures can be found in EPA's "Test Methods for Evaluating Solid Waste: Physical/Chemical Methods (EPA Publication SW-846)."

Should you have any other questions or concerns regarding the Toxicity Characteristic rule, please feel free to contact Steve Cochran, Chief of the Characteristics Section, at (202) 382-4770.

Sincerely,

Sylvia K. Lowrance

March 1, 1991

Ms. Sylvia Lawrence  
EPA Solid Waste  
401 M. Street S.W.  
Washington, D.C. 20460

Dear Ms. Lawrence:

I have spoken with several people from your office concerning the major problems that are being caused by a portion of the new solid waste regulations. In most cases, they have recommended that I write to you and request assistance.

Blue Beacon is a Kansas based business that owns and operates truck washes throughout the United States. Presently we have 51 locations in 23 states. Our facilities are in specially designed buildings, and we wash only the exterior of over-the-road trucks. We do no chemical or tanker wash outs. In essence, we are a full serve car wash for semi-trucks. I have enclosed a brochure which shows our locations and our buildings.

In our facility, we have a mud sump. This consists of a pit in the center of the wash bay, lengthwise, that is 2 1/2' wide, 6' deep and 60' long. This mud sump is covered with open grates to allow the water and mud to enter. From this sump the water flows into two oil/sand separators. Each of these are 2 1/2' wide 6' deep and 6' long. From there it is discharged. These oil/sand separators are cleaned for oil and grease two times per week. Our design is very effective and is kept confidential by our company.

The mud that is cleaned from the trucks is collected in these pits. When it reaches a specified depth, it is removed by a backhoe tractor or suction pump truck. The method used depends on the availability of equipment in the area. At this point, the new regulations begin causing problems. Per my understanding, they do not allow free liquids to be placed in a landfill. This requires drying the mud or placing it in unregulated areas. Drying the mud mechanically is extremely expensive and cost prohibitive. In essence, this regulation is causing auto washes, truck washes, etc. to dispose of the mud privately and in non-regulated areas. I don't believe the purpose was to have people hide waste, but it is having that effect.

Can the paint filter test for free liquids be changed for this type of waste? Is there some way that your office can deal with this problem and allow the waste to be disposed of in regulated landfills? If the mud is backhoed out of the pit, very little free liquid is present compared to normal rainfall.

The second problem deals with the new TCLP requirements. In the past almost all landfill operators required proof that our waste was non-toxic. We were able to satisfy this requirement by having an EP toxicity test performed on the mud. The cost for the toxicity test was \$325 per location, times 51 locations or \$16,515. We ran this test on all our locations and each one came back well within limits - non toxic. I will be glad to furnish them for your review.

Now we have the new requirement, TCLP. I realize we are not a listed or labeled waste that is required by regulation to have TCLP, but the regulations require landfills to not accept anything that does not pass this test. So effectively, the new regulation is being applied to us by landfill operators. It is not only the small operators in the rural areas, it is also BFI and Waste Management, etc. Virtually all the landfills we deal with are covering their backside by requiring this test. When you protest the cost and explain your waste, the infamous EPA quote is made, "We don't care what it costs you."

The TCLP costs \$1,300 per test to run. It will cost Blue Beacon \$66,300 for our locations. We cannot afford this and neither can the other car washes and truck washes in the country. I have had one landfill operator demand this test on every load of mud. It takes 3 loads to clean our pit, and our pits are cleaned 3 to 5 times per year.

Blue Beacon is an environmentally responsible, sensitive company, but I feel this is overregulation. Since 1986, there have been over 51,610 new environmental compliance regulations written by federal and state governments. A business person can physically not keep up with this avalanche of requirements from just one branch of its government.

I have been told by EPA employees at the regional and national level to dump the waste in non-regulated landfills or to buy a little piece of ground on which to dump. As I previously stated, I do not feel the EPA should be promulgating regulations whose purpose or effect is to cause waste to be disposed of outside of landfills to circumvent requirements. As for purchasing a small piece of land to dispose of our waste, this is not practical, affordable, nor does it keep our waste in controlled areas.

Since this regulation came from your department, can a new directive be written to deal with this problem? Could a national EPA cleaning house be established to classify a waste? For example, I would be willing to do a random sample of our facilities and run TCLP on a statistically significant sampling. From this, could it not be inferred that our waste should be acceptable in a landfill? The cleaning house could simply state the facts of the test and that it was ran per their requirements. Government departments do not like responsibility, but someone must be responsible for the tremendous financial burden and increased unauthorized disposal this is causing.

Please give this your immediate attention. I am available at any time for further discussion on this problem. It is critical to our business.

Sincerely,

James C. Maes  
Vice-President