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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAY 3 1989

Ms. Barbara Young
Booz-Allen & Hamilton, Inc.
4330 East West Highway
Bethesda, MD 20814-4455

Dear Ms. Young:

I have received your letter of April 20, 1989 requesting clarification on the Q. & A. associated with Ms. Barbara McGuinness' presentation at the Environmental Compliance Conference in San Antonio, TX on January 31, 1989.

I have enclosed the necessary corrections and clarifications to each question. If you have further questions, you may contact me at (202) 382-4770.

Sincerely,

Michaelle Wilson, Chief
Regulation Development Section

Enclosure

Land Disposal Restrictions

Q. #1 Correct as stated.

Q. Does a facility have to certify a "soft-hammered" waste even if it is going to an incinerator and not to a landfill?

A. "Soft hammer certifications/demonstrations are required only when the wastes (or residues) are disposed in a landfill or surface impoundment. Typically, incinerator residues are disposed in such units and a certification is required. The owner/operator must also certify that treatment was conducted as per the generator certification/demonstration.

Q. Who would be responsible for providing the waste analysis of residuals from incineration, and what sample would they take?

A. The treatment facility would have to perform a waste analysis before land disposal of incinerator residual waste at the frequency indicated in the waste analysis plan. The samples required for testing would be incinerator ash and scrubber water.

Q. #4 ...carry the waste codes...

Q. Is waste that is sent to a recycler considered hazardous waste?

A. This question relates to the definition of a solid waste, not land disposal restrictions. Certain types of recycling include the material from the definition of solid waste, while others do not. See 40 CFR 261.2(c) and (e). Also, for a more specific determination, contact the appropriate State regulatory agency, EPA Regional office, or the RCRA Hotline at 1-800-424-9346.

Q. If a facility sends an F-solvent waste to a recovery facility, do they have to notify them that it is an LDR waste?

A. Yes. Recycling is defined as treatment and is likewise subject to the recordkeeping requirements. Typically, solvent recyclers generate a still bottom (that carries the same waste codes) that must be treated to the treatment standards prior to disposal. Recyclers are definitely in the loop.

Q. What facilities are allowed to store waste for up to a year if they are storing solely for the purpose of accumulating sufficient quantities for efficient recycling or treatment?

A. One year is the rule of thumb as far as delegating responsibilities of the burden of proof. The rebuttable presumption is that one year is sufficient time to store wastes solely for the purpose of accumulating sufficient quantities to facilitate treatment. For less than one year, EPA bears the burden of proof that such storage is not in compliance (i.e., not for the sole purpose allowed by the statute). For more than one year, the burden of proof is on the storage facility. The facility is, of course, subject to all other regulatory requirements, including Part B permits, interim status, or the 90-day generator storage rule.

Answers to questions on Research Permits and Medical Waste are correct as stated.