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

October 12, 1995

Mr. Scott Kuhn
Corporate Compliance
Laidlaw Environmental Services, Incorporated
P. O. Box 210799
Columbia, SC 29221

Dear Mr. Kuhn:

This is in response to your letter of July 26, 1995 requesting clarification of treatment, as defined at 40 CFR 260.10, as it relates to hazardous waste fuel blending activities. You also present two interpretations of treatment related to fuel blending, and ask whether they are consistent with RCRA Subtitle C regulations.

As your letter correctly notes, there is no definition of "fuel blending" in the Federal regulations. However, there are letters and memoranda that present Agency policy regarding fuel blending as discussed below.

Your first interpretation states that the consolidation or blending of compatible bulk or containerized hazardous waste into a tank or container for the purposes of efficient transportation or disposal would not be considered treatment, as long as there was no change in the physical, chemical or biological character of the waste, except for incidental reduction of hazards associated with the waste mixture which may occur. In support of this interpretation, you note a letter from Sylvia Lowrance to Christopher Jaekels (March 1, 1990).

We generally agree with this interpretation, but with the following clarification. You used the term "blending" to describe the combining of waste streams for efficient transportation or disposal. However, the activities you described would not be considered "fuel blending" for regulatory purposes, so the use of the term "blending" may cause confusion on this point. Also, please note that site-specific determinations would be made by

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authorized States, because individual States may have regulations and policies regarding treatment that are more stringent than the Federal regulations.

Your second interpretation states that the blending of hazardous waste fuel with the intention of meeting a specification would be considered treatment, because the physical and chemical characteristics of the waste are being intentionally change so as to make the waste mixture amenable for energy recovery.

We agree with this interpretation. I am enclosing a memorandum which I sent to the Regional Hazardous Waste Management Division Directors (October 17, 1994), that contains additional guidance on the regulatory status of fuel blending. You will find that page 3 of this memorandum supports your interpretation by concluding that "Selective blending of hazardous waste fuels to meet a fuel specification...would constitute hazardous waste treatment requiring a permit."

Thank you for the opportunity to address your fuel-blending related questions. If you have any further questions, please contact James Michael of my staff at (703) 308-8610.

Sincerely,

Michael Shapiro, Director
Office of Solid Waste

Enclosure

cc: Matt Hale, PSPD
Frank McAlister, PSPD
Jim Michael, PSPD
Jeff Gaines, PSPD
Jim Thompson, OECA
Steve Silverman, OGC
RCRA Permit Section Chiefs, Regions I-X