

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

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Mr. Craig I. Willison  
108 Ashford Place  
Roswell, Georgia 30076

Dear Mr. Willison,

Thank you for your letter of July 29, 1997 requesting clarification on the RCRA permitting status and solid waste management unit (SWMU) designation of stormwater retention ponds containing sediments that fail the TCLP. Stormwater retention ponds containing sediments that fail the TCLP would generally be considered SWMUs, since the term SWMU includes any unit at the facility from which hazardous constituents might migrate, irrespective of whether the units were intended for the management of solid or hazardous waste. These ponds might also be subject to RCRA permitting under certain circumstances.

Permitting and SWMU designations require site-specific information and determinations. Since the State of Georgia is authorized for the RCRA program, we recommend that you call Bill Mundy (404) 656-7802 at the Georgia Department of Natural Resources for clarification on your site-specific questions.

Sincerely,

Robert W. Hall, Chief  
Corrective Action Programs

Office of Solid Waste

Branch (5303W)

RO 14253

July 29, 1997

Director  
Office of Solid Waste  
EPA  
401 M St.  
Wash. DC SW 20460

RE: written regulatory request

Dear Agency Representative,

In order to make appropriate recommendations regarding stormwater retention ponds and resultant residues and toxicity, I have the following question;

1) are stormwater retention ponds collecting water not coming into contact with hazardous wastes but just process activity subject to permitting as a RCRA or SWMU if the accumulated sediments fail TCLP limits?

There are a number of ancillary questions which could be framed from this starting point and perhaps you could expand your answer/s to encompass a direct response and a broader response perspective as well. In advance I appreciate your assistance.

Sincerely,

Craig I. Willison  
108 Ashford Place  
Roswell, GA. 30076