

October 23, 1998

G. Anthony Steward, President  
EOSystems, Incorporated  
760 San Aleso Avenue  
Sunnyvale, CA 94086

Dear Mr. Steward:

Thank you for your letter of September 28, 1998 describing a ACatalyzed Electrochemical Oxidation@ process used to treat organic wastes. You ask whether or not the use of a technology, specifically called the ACerOx@ system, would require an owner or operator to obtain a hazardous waste management permit under the Resource Conservation and Recovery Act (RCRA).

The RCRA regulations require a permit for the treatment of hazardous waste as specified at 40 Code of Federal Regulations (CFR) 270.1(c), unless the treatment meets one of the exclusions detailed at 40 CFR 270.1(c)(2). You describe the CerOx system as being a tank system using non-thermal treatment. Based upon the information that your provided, it appears possible that the CerOx system may meet the 40 CFR 270.1(c)(2)(i) exclusion from permitting for generators accumulating hazardous waste on-site under 40 CFR 262.34. In order for the CerOx system to meet this exclusion in any particular generator=s application, it must meet the following conditions:

1. The unit is operated in accordance with all applicable management standards described in 40 CFR 262.34; including, but not limited to, accumulation times, labeling requirements, and the container or tank management standards at 40 CFR part 265 subparts I and J, respectively.
2. The unit meets the definition of a Atank@ or Acontainer@ (as defined in 40 CFR 260.10). The determination of whether a specific unit meets the tank or container definition is a site-specific determination that takes into account the specifics of a particular facility. This determination is most

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appropriately made by the agency implementing the RCRA program in the state in which the system is located. In states which are authorized to implement the RCRA hazardous waste program, this would be the state environmental agency. In unauthorized states, this would be the appropriate Environmental Protection Agency (EPA) regional office.

3. The system only treats waste that has been generated Aon-site@ where the treatment unit is located.
4. The treatment occurs while the waste is being accumulated in tanks or containers within the time periods provided in 40 CFR 262.34.

As mentioned above, your hazardous waste treatment process appears to occur in either a tank or container, and as such, may be eligible for exclusion from RCRA hazardous waste permitting, if the conditions discussed above are met. However, the final determination as to the permit status of your process unit will be made on a site-specific basis by the state or EPA regional office that implements the RCRA hazardous waste program in the state in which the unit is located.

Please also note that this letter discusses only the federal hazardous waste regulations. You should be aware that individual states may have more stringent requirements than the federal regulations.

Thank you for the opportunity to review your hazardous waste treatment process. Should you have any further questions, please contact Jeff Gaines, of my staff, at (703) 308-8655.

Sincerely,

Elizabeth A. Cotsworth, Acting Director  
Office of Solid Waste