PPC 9487.1986(09)

BULK LIQUIDS AND DRAIN/LEACHING FIELDS

June 12, 1986

MEMORANDUM

SUBJECT: Bulk Liquids and Drain/Leaching Fields

FROM: Marcia E. Williams, Director
Office of Solid Waste (WH-562)

TO: James H. Scarbrough, Chief
Residuals Management Branch
Region IV

This is in response to your April 30, 1986, memorandum concerning the April 7, 1986, note I received from Jack Lehman addressing two issues that you are concerned about. You believe Mr. Lehman misunderstood your point on both issues.

Regarding bulk liquids, we disagree with your conclusion that Section 3004(c)(1) can and should be used to force "organic waste streams" toward incineration or other treatment other than "simple solidification" prior to the implementation of Section 3004(d). First, Section 3004(c)(1) applies only to "bulk... liquid hazardous waste or free liquids contained in hazardous waste". It does not apply to non-liquid waste nor non-hazardous waste, as you imply. Further, Section 3004(c)(1) says nothing about applying to organic waste, let alone forcing alternative technologies for organic wastes, nor does the legislative history. Instead, as you are aware, other sections in RCRA address the disposal of specific hazardous constituents and wastes, including organic wastes, and the use of alternative treatment technologies (i.e., the land disposal restrictions requirements of Sections 3004(d), (e), (f), (g), (h), (i), (j), (k), and (m)). The Congressional findings in Sections 1002(a)(4), (b)(2), (b)(6), and (b)(7) do not give different interpretive authority to EPA regarding the language of 3004(c)(1) as you imply.

Second, as we have previously discussed with you and your staff, the "10% rule" you propose is arbitrary and unsupportable. Different organics behave differently, and different solidification treatment systems behave differently for different

organics. Thus, different concentrations of organics could effect the performance of solidification based on the organic type and solidification process. We do not have information to support a 10% or any other percent rule.

Third, as you point out, a "10% rule" is rather meaningless anyway because dilution still enables landfill disposal under your proposal.

In summary, while we agree that a number of organic wastes (especially solvents) should not be placed on the land, it is through the land disposal restrictions provisions cited above that Congress intended to address these wastes. Section 3004(c)(1) is simply concerned with treating bulk liquid hazardous waste, not hazardous constituents.

Regarding your second issue concerning drain/leaching fields, these facilities are regulated under RCRA if they are surface drain fields and under the Safe Drinking Water Act (SDWA) if they are subsurface drain fields. Surface drain fields for hazardous waste are regulated as land treatment facilities under Subtitle C of RCRA (40 CFR Parts 264 and 265, Subpart M). Surface drain fields for non-hazardous waste are regulated by the Subtitle D "Criteria for Classification of Solid Waste Disposal Facilities and Practices."

Subsurface drain fields are regulated by the Office of Drinking Water, Underground Injection Control Program (UIC), which develops regulations under Part C of the SDWA. Under these regulations, septic tank and drain field systems are classified as either Class IV or Class V injection wells. If the waste is a hazardous waste or radioactive waste and is injected into or above a formation which contains an underground source of drinking water within one quarter mile, the septic system is a Class IV injection well. The construction, operation, and maintenance of Class IV injection wells are generally prohibited by 40 CFR 144.13 (copy attached). Further, Section 7010 of RCRA prohibits underground injection of hazardous waste into a formation or above a formation which contains an underground source of drinking water within one quarter mile of the injection well. This prohibition became effective May 9, 1985. As I understand your issue, the facilities you described are Class IV wells and are, therefore, prohibited. If the waste in the septic system is neither a hazardous waste nor radioactive waste and the septic system serves a multiple dwelling, business establishment,

community, or regional business establishment, the septic system is a Class V injection well. For further information on the UIC program contact Mario Salazer (FTS 382-5361) in the Office of Drinking Water.

I hope this clarifies our position on both issues.