

9444.1985(14)

September 10, 1985

DIOXIN-CONTAINING WASTE, DISPOSAL BY DEEP WELL INJECTION

Mr. Dave Johnson
Production Manager
Pueblo Chemical and Supply Company
Garden City, Kansas 67846

Dear Mr. Johnson:

We have reviewed your letter of July 22, 1985, notifying the Environmental Protection Agency (EPA) of your intent to dispose of over 20,000 gallons of rinsates generated as a result of cleaning containers that contained 2,4,5-T and other pesticide formulations by deep well injection. These waste rinsates are listed as acute hazardous wastes under EPA regulations (see enclosed Federal Register notice) and subject to all regulatory provisions of the Resource Conservation and Recovery Act. Thus, the waste rinsates can be disposed only at a deep well facility which is permitted to handle dioxin-containing wastes. If the facility at which you intend to dispose the waste rinsates is permitted to handle such wastes, you may proceed with the disposal plan. However, if the facility is not permitted you can either seek a facility that is permitted to handle these wastes or petition the Agency to exclude your wastes from the hazardous waste list.

While wastes described in the regulations generally are hazardous, a specific waste meeting the listing description from an individual facility may not be. For this reason, 40 CFR 260.20 and 260.22 provide generators the opportunity to petition the Administrator to exclude a waste on a site-specific basis from the hazardous waste list.

To be excluded, petitioners must show that a waste generated at their facility does not meet any of the criteria under which the waste was listed. (See 40 CFR 260.22(c).) In addition, the Agency is required to consider factors (including other constituents) other than those for which the waste was listed if there is a reasonable basis to believe that such additional factors could cause the waste to be hazardous. Accordingly, a

petitioner must demonstrate that his waste does not exhibit any of the hazardous waste characteristics and present sufficient information for the Agency to determine whether the waste contains any other toxicants at hazardous levels.

If you wish to delist the subject waste rinsates from the hazardous waste list, you can petition EPA to exclude the rinsates from the listing under CFR Part 261. The petition must include sufficient information for the Agency to determine whether the waste meets the criteria for which it was listed as well as information to determine if any other hazardous constituents are present in the waste rinsates at levels of regulatory concern. The analysis data included in your letter to EPA can, in part, be used to support a delisting determination should you decide to petition the Agency for an exclusion to the listing.

If you have any questions or need further information on the delisting procedures, please contact Dr. Howard Fribush, Office of Solid Waste, or (202) 475-6726.

Sincerely,

Jack W. McGraw
Deputy Assistant Administrator

Enclosure