PPC 9451.1986(01)

EFFECTS OF THE SMALL QUANTITY GENERATOR RULE
ON VARIOUS GENERATOR WASTE MANAGEMENT PRACTICES

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

MAR 17 1986

Honorable Edwin Garn
United States Senate
Washington, D.C. 20510

Dear Senator Garn:

This letter responds to your request dated February 4, 1986, on behalf of your constituent, Mr. Richard L. Meibos. Mr. Meibos is concerned that regulations being promulgated for small quantity generators of hazardous waste will force his institution to change certain waste management practices.

The regulations to which Mr. Meibos refers are being promulgated under the Hazardous and Solid Waste Amendments of 1984 (HSWA), signed into law on November 8, 1984. HSWA directs the Agency to promulgate standards "for hazardous waste generated by a generator in a total quantity of hazardous waste greater than 100 kilograms but less than 1000 kilograms during a calendar month," by March 31, 1986 (Section 3001(d)(1)). HSWA also specifies certain minimum requirements for these 100-1000 kg/mo generators that the standards must include. One such statutory requirement is that treatment, long-term storage (for more than 180 days or 270 days if the waste is to be shipped more than 200 miles), and disposal of hazardous waste from 100-1000 kg/mo generators occur at a facility which has interim status or a permit under the Resource Conservation and Recovery Act (RCRA). The Agency proposed standards for these generators on August 1, 1985, and accepted comments on the proposal until September 30, 1985. EPA expects to promulgate final standards before the March 31, 1986, deadline. These standards will incorporate the statutory minimum requirements. A copy of the proposed rule is enclosed.

Mr. Meibos discusses the following waste management practices:

-- burning waste as fuel;
-- evaporating waste in rooftop containers;
-- discharging diluted waste to public sewer systems; and
-- neutralizing sludges, mixing them with sand or vermiculite, and disposing of them in solid waste management facilities

Currently, regulated quantities of hazardous waste may be burned as fuel in industrial boilers without a permit or interim status. In the coming months, we will propose technical standards

for the operation of these industrial boilers, as HSWA requires.

By contrast, burning of regulated quantities of hazardous waste in non-industrial boilers, such as those at schools, hospitals and office buildings, is prohibited (see 40 CFR 266.31), as amended at 50 FR 49164 (November 29, 1985)).

Regulated quantities of hazardous waste may be stored in containers, but those containers must be closed except when necessary to add to remove waste (40 CFR 265.173). Disposal of regulated quantities of hazardous waste must occur at a facility which has interim status or a permit from EPA or an authorized State.

Materials that pass through a sewer system to a publicly owned treatment work (POTW) are excluded from the hazardous waste management provisions of RCRA (40 CFR 261.4). However, such materials may be subject to pretreatment standards under the Clean Water Act or to local limits on what may be sent to the POTW.

If a sludge results from the treatment of a listed hazardous waste (lists of hazardous waste are found at 40 CFR Part 261 Subpart D) and that sludge is mixed with other material, the entire mixture is considered a hazardous waste and must be managed as such. A sludge could also be a hazardous waste if it exhibits the characteristic of corrosivity, reactivity, ignitability, or extraction procedure toxicity (40 CFR Part 261 Subpart C). If such a sludge is mixed with other material, the mixture must be managed as a hazardous waste only if the mixture continues to exhibit one or more characteristics.

Mr. Meibos is concerned that changes in hazardous waste law and regulations will result in more waste being disposed of on land, which may cause releases from sites such as those which occurred at the Love Canal. The Congress made limitations on land disposal of hazardous waste an Agency priority in HSWA. This statute prohibits land disposal of hazardous waste by certain dates, unless the Agency determines that land disposal would be protective of human health and the environment.

Mr. Meibos also discusses a generator's permanent legal liability for management of the generator's hazardous waste. This liability was established by the Comprehensive Environmental Response, Compensation and Liability Act (Superfund). It applies to all generators of hazardous waste and is not subject to change by the Agency.

One method for mitigating the land disposal and liability problems discussed by Mr. Meibos is for generators to reduce the

amount of hazardous waste they produce. HSWA encourages waste minimization and the Agency is currently studying waste minimization strategies.

The American Chemical Society has produced a brochure entitled "Less is Better," that describes techniques laboratories may use to reduce the amount of hazardous wastes they produce. I have enclosed a copy, which you may want to pass along to Mr. Meibos. I have also enclosed a copy of an EPA brochure which describes the current requirements for 100-1000 kg/mo generators, and an insert which deals specifically with laboratory wastes.

I hope that this address Mr. Meibos' concerns. If I can be of further assistance, please let me know.

Sincerely,

Original Document signed

J. Winston Porter
Assistant Administrator

Enclosures