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INDEPENDENT ENGINEER QUALIFICATIONS AND SCOPE OF THE TERM

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 20 1987

Geraldine V. Cox  
Vice President-Technical Director  
Chemical Manufacturers Association  
2501 M Street, NW  
Washington, D.C. 20037

Dear Ms. Cox:

This letter is in response to your letter of May 20, 1987 to Bill Kline of my staff, in which you expressed concerns with certain aspects of EPA's regulations and guidance materials for hazardous waste tank systems. Specifically, two concerns were raised: 1) requirement for an "independent" qualified, registered professional engineer to conduct tank system assessments/certification and 2) interpretation of the term "welded flange".

The first concern addressed in your letter, i.e., independent engineers, raises two issues 1) the need for such an engineer and 2) state registration of such engineers. On the first issue, EPA believes that it is necessary to ensure that the engineer who is attesting to the condition of a hazardous waste tank system feel no obligation or other pressure to certify a tank system as being sound, regardless of its actual condition. EPA believes that although such a situation might occur infrequently, the circumstances creating such a predicament could undoubtedly occur at certain facilities and should be avoided.

The CMA is correct in stating that the July 14, 1986, revised hazardous waste tank system standards do not require that the certifying engineer be licensed in the same state in which the facility is located. Likewise, the CMA correctly cites the "Technical Resource Document for the Storage and Treatment of Hazardous Waste in Tank Systems", December 1986, as stating that such state registration is desirable.

The Agency did not intend to mandate that engineers must be licensed in the State in which the facility's tanks that are

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being certified are located. However, EPA believes registration in-state is certainly desirable. For example, registration of the engineer in the state of the facility would ensure that the applicable and appropriate State laws are abided by as well as the Federal regulations.

The other issue raised by the CMA concerns the meaning of the term "welded flange". The Agency has received numerous other inquiries regarding this issue. EPA has reached an opinion on the meaning of this term and is now developing a notice to be published in the Federal Register (hopefully, by the end of the summer of 1987) that will clarify the scope of the term "welded flange".

In general, the term "welded flange", for the purpose of the revised hazardous waste tank system standards, will be interpreted as meaning a flange whereby a welded connection between the flange and piping is provided. As such, weld neck flanges, lap joint flanges, slip-on flanges, and also socket welds will be accepted as being a welded flange. As EPA will point out in its interpretive notice, the primary concern of the Agency is to ensure that threaded connections are provided with secondary containment.

Please forgive the delay in responding to your letter. I hope that we have clearly responded to your concerns. If you have any further questions or concerns, please contact either Bill Kline or Bob April of my staff at (202) 382-7917.

Yours truly,

Robert Dellinger  
Chief  
Waste Treatment Branch

cc: Bill Kline  
Bob April

bcc: Suzanne Rudzinski  
Matt Hale  
Chet Oszman

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