

PPC 9453.1986(01)

ACCUMULATION AND TREATMENT OF WASTES
ON-SITE/PERMIT REQUIREMENTS

April 16, 1986

Mr. W. Ernst Minor, Vice President
Government Affairs
Solid Tek Systems Incorporated
4412 Aicholtz Road
Cincinnati, Ohio 45245

Dear Mr. Minor:

Thank you for your letter of February 24, 1986, regarding our regulatory program pertaining to the solidification/fixation of containerized hazardous liquids.

You expressed concern about the permitting requirements applicable to generators who use solidification or fixation to treat hazardous waste which is accumulated on-site for 90 days or less in conformance with 40 CFR §262.34. The current rules do not require a permit for a generator who treats a waste when it is in an accumulation tank or container in compliance with §262.34. As the Agency has explained in the preamble to the recent rule-making on small quantity generators, nothing in §262.34 precludes a generator from treating waste in an accumulation tank or container covered by §262.34 and Subparts J or I of Part 265. See 40 Federal Register 10168 (March 24, 1986). Therefore, a generator is not required to have a permit or interim status if the only on-site management the generator performs is solidification/fixation (or other treatment) in an accumulation tank or container during the period of accumulation.

You also inquired about a contradiction that you perceive in our regulations. You stated that §262.10(b) allows a generator to treat, store, or dispose of hazardous waste on-site and only comply with specific sections of part 262. Therefore, you believe that §262.10(b) may allow on-site solidification/fixation without a permit. On the other hand, you point out that the "Note" after §262.10(f) states that a generator who treats, stores, or disposes of hazardous waste on-site must meet applicable standards and permit requirements.

A generator who treats, stores, or disposes on-site must comply with all applicable standards and permit requirements in 40 CFR Parts 264, 265, 266, and 270. Section 262.10(b) provides that a generator who treats, stores, or disposes on-site must only comply with certain of the generator (Part 262)

requirements. For example, such generators do not need to comply with manifest requirements since the waste is not transported off-site. Section 262.10(b) provides no exemption from our rules other than certain of the Part 262 requirements. Therefore, the statement contained in the "Note" after §262.10(fa) is appropriate and accurate.

A generator who treats, stores, or disposes on-site must comply with all applicable standards and permit requirements in 40 CFR Parts 264, 265, 266, and 270. Section 262.10(b) provides that a generator who treats, stores, or disposes on-site must only comply with certain of the Generator (Part 262) requirements. For example, such generators do not need to comply with manifest requirements since the waste is not transported off-site. Section 262.10(b) provides no exemption from our rules other than certain of the Part 262 requirements. Therefore, the statement contained in the "note" after §262.10(f) is appropriate and accurate.

Finally, I would like to clarify when our containerized hazardous liquids rule will be published. The rules will be proposed this summer and then be finalized about a year later.

If you have any further questions, please feel free to contact Paul Cassidy of my staff at (202) 382-4682.

Sincerely,

Marcia E. Williams
Director
Office of Solid Waste