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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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MEMORANDUM

SUBJECT: Drillage In Wood Preserving Storage Yards

FROM: Sylvia K. Lowrance, Director
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TO: Hazardous Waste Management Division Directors
Regions I-X

A question has arisen regarding the regulatory status of drillage from treated wood that occurs in wood preserving plants' storage yards. The final rule requires that treated wood must be held on process area drip pads until drillage ceases (see §§ 264.572 (k), 265.443 (k)). Even so, infrequent and incidental drillage may occur from the treated wood after its removal from the drip pad. Infrequent and incidental drillage may occur due to the effects of weather, type of wood, or type of preservative. EPA recognized in the rulemaking that the de minimis losses that could occur would not require the storage yard to be equipped with a drip pad (55 FR at 50456, December 6, 1990).

We note further that this type of incidental drillage would not constitute illegal disposal of a hazardous waste provided that there is an immediate response to the discharge of the drillage (§§ 264.1 (g) (8) (i) (A) and 265.1 (a) (11) (i) (A), persons responding immediately to discharges of hazardous wastes are not subject to regulatory standards for the response activities, although the hazardous wastes become subject to subtitle C regulation after they are removed). Determination of what constitutes an "immediate response" to storage yard drillage would be a site specific determination. Wood preserving facilities should prepare a contingency plan which includes measures to respond to drillage by removing the contaminated media in a timely manner and documenting by appropriate records the actions taken to respond to such drillage. once removed from the drillage area, the contaminated media would be a hazardous waste carrying the F032, F034 or F035 waste code and be subject to subtitle C regulatory standards (48 FR at 2510, January 19, 1983).

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