



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

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September 13, 1991

Mr. Daniel Gillingham
Franklin Environmental Services, Inc.
185 Industrial Road
P.O. Box 617
Wrentham, MA 02093

Dear Mr. Gillingham:

I am writing this letter to respond to your request for clarification of whether or not a generator of hazardous waste can add absorbent to a waste in storage. Before answering your specific questions, I would like to note that a large quantity generator of hazardous waste can only store wastes on-site for less than ninety days without obtaining a RCRA storage permit. Also, the container in which this waste is being accumulated must be closed except when it is necessary to add or remove waste.

In response to your specific questions:

1. Pursuant to 40 C.F.R. § 270.1(c)(2)(vii), excluded from permitting requirements are persons who add absorbent to waste in a container and persons who add waste to absorbent material in a container, provided that these actions occur at the time the waste is first placed in the container provided that the generator complies with:
 - 40 C.F.R. § 264.17(b)
 - 40 C.F.R. § 264.171
 - 40 C.F.R. § 264.172
2. If 40 C.F.R. § 270.1(c)(2)(vii) is followed, then it would not matter whether or not the original waste is hazardous. If the waste is not a RCRA hazardous waste, no RCRA permits are required regardless of this exemption.
3. Answered in question #2.
4. 40 C.F.R. § 270.1(c)(2)(vii) does not specify a specific type of absorbent.

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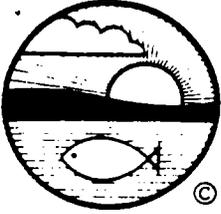
5. A spill of hazardous waste can be absorbed with absorbent yet once the hazardous waste is mixed with the absorbent, the entire mixture is a hazardous waste unless this mixture is otherwise excluded from regulation. In terms of land disposal, the generator must determine whether or not the waste has been restricted or prohibited from land disposal under the Land Disposal Restrictions. Please keep in mind that dilution of a hazardous waste in order to circumvent the Land Disposal Restrictions is prohibited pursuant to 40 C.F.R. § 268.3.

If you have any other questions, please contact me at
(617) 573-5747.

Sincerely,



Bryan Olson, Environmental Engineer
MA & RI Waste Regulation Section



**Franklin
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ENVIRONMENTAL SERVICE PROFESSIONALS

August 20, 1991

Mr. Merrill S. Hohman, Director
Waste Management Division
USEPA, Region 1
JFK Federal Building, Room 2203
HAA
Boston, MA 02203

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Dear Mr. Hohman:

I am writing to you to request clarification of whether a generator of hazardous waste that stores the waste in roll-off containers (a 23-yard metal open-top container that is normally covered with a canvas top while in storage) can add absorbent material to the container to absorb any incidental free liquids that can sometimes separate out of wastes with a high moisture content after several weeks in storage. The material is to be shipped to a RCRA permitted landfill.

The questions I have relative to this scenario are as follows:

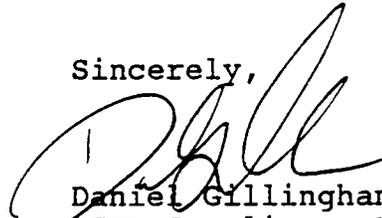
1. Does the generator require any special permit or notification beyond his original notification as a generator of hazardous waste to perform the above? (Is this considered treatment which a generator is not allowed to perform?)
2. Does it matter whether the waste material that the absorbent is being added to is a RCRA Hazardous Waste or Non-RCRA Hazardous Waste? If so, how?
3. If the answer to #2 was "yes", does it also matter whether the RCRA Hazardous Waste is a "Listed" waste or a "Characteristic" waste? If so, how?
4. Does it matter what type of absorbent is utilized (i.e.; sawdust, speedi-dri, vermiculite, kiln dust)? Is one type allowed, while another is not?

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5. In a slightly revised scenario, can spills of RCRA wastes be absorbed with absorbents and then this absorbent be disposed of as RCRA Hazardous Waste in bulk to a RCRA permitted landfill?

Thank you in advance for replying to this clarification of the regulations.

Sincerely,



Daniel Gillingham
RCRA Compliance Manager

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