



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

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

2/11/94

February 11, 1994

Mr. Robert Ankstitus
Rizzo Associates
235 West Central Street
Natick, MA 01760

Dear Mr. Ankstitus:

Your letter, received by this office on January 6, 1994, requests a determination on whether the treatment of lead contaminated soils in a pug mill would be exempt from federal permit requirements.

The federal regulations allow on-site treatment of hazardous waste in tanks or containers without a permit, as long as the treatment conforms with the requirements of 40 C.F.R. §262.34 (accumulation time) and Subparts I and J of 40 C.F.R. Part 265 (tank and container standards). Title 40 C.F.R. § 260.10 defines a container as "any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled." The pug mill described in your submittal may fit the RCRA definition of container. If so, hazardous waste treatment occurring in this device, under the conditions cited above, would be part of the permitting exemption.

The treatment process described in your submittal describes the stockpiling of the contaminated soil/chemical mixture while the mixture is curing. EPA would consider the curing period to be part of the treatment process. Therefore, this process must also be conducted in a tank or container in order to make the entire process exempt from permitting. Finally, it is important to note that the entire treatment and curing process would have to occur within ninety days.

You should also be aware that the MA DEP has permitting standards that may be different from those of EPA. You may want to contact them prior to initiating this project. If you have any questions about these issues, please contact Lisa Papetti of my staff at 573-5745.

Sincerely,

Gary B. Gosbee, P.E., Chief
MA & RI Waste Regulation Section

cc: Lisa Papetti, EPA
Steve DeGabriele, MA DEP

