



*J. E. G. Hill*

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

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

January 30, 1995

Mr. Kerry R. Tull  
ATEC Associates, Incorporated  
55 Accord Park Drive  
Rockland, MA 02370

COPY

Dear Mr. Tull:

This letter is in response to your November 3, 1994 letter requesting EPA-New England's interpretation of treatment of lead contaminated soil at a site at 250 Elm Street in Dedham, MA.

As stated in your letter, EPA would consider soil that is contaminated with lead to be a hazardous waste if it fails the Toxicity Characteristic Leaching Procedure (TCLP).

As described in 51 FR 10168, generators are allowed to treat hazardous waste in tanks or containers without a permit as long as the generator complies with the accumulation requirements of 40 C.F.R. § 262.34 and Subparts I and J of 40 C.F.R. § 265 (standards for tanks and containers). If treatment at this site is conducted in accordance with the requirements previously cited, is being conducted in a tank or container and is completed within 90 days, then it would meet this permit exemption. The definitions of "tank" and "container" can be found at 40 C.F.R. § 260.10.

The second issue which you propose is the "stockpiling" of excavated soils prior to treatment. Stockpiling of hazardous waste prior to treatment would be considered storage in a waste pile, as set forth in Subpart L of 40 C.F.R. § 264. Any treatment or storage of hazardous waste in a waste pile would be considered a federally regulated activity which requires a permit.

EPA-New England appreciates your attempt to obtain accurate regulatory information prior to the initiation of excavation activities at this site. Please refer to the regulations and Federal Register notices cited above to obtain detailed information regarding the regulatory status of the proposed process.



If you have any further questions, feel free to call Lisa Papetti  
of my staff at (617) 573-5745.

Sincerely,



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

cc: Lisa Papetti, EPA  
Michael Conway, Retek