

<u>SUBJECT</u>		<u>DATE</u>
1056. Hazardous Waste Tanks and the Less than 90-Day Accumulation Time Limit	ENCORE	APR 23, 2015
1057. Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE	APR 30, 2015
1058. Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE	MAY 7, 2015
1059. Decharacterized Wastes, <90-Day Accumulation Time Limits and LDR Storage Prohibition	ENCORE	MAY 14, 2015
1060. Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE	MAY 21, 2015
1061. Hazardous Debris Macroencapsulation and Size Reduction	ENCORE	MAY 28, 2015
1062. Universal Waste Lamps and Prohibition on Crushing		JUN 4, 2015
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1064. F001 - F005 Listed Hazardous Waste and the 10% Rule	ENCORE	JUN 18, 2015
1065. Macroencapsulation of Hazardous Debris and Presence of Free Liquids	ENCORE	JUN 25, 2015
1066. DOT Shipping of Damaged, Defective or Recalled Lithium Batteries		JUL 1, 2015
1067. Used Oil Eligibility for Animal and Vegetable Oils	ENCORE	JUL 9, 2015
1068. Used Oil Eligibility for Petroleum Oils Mixed with Animal or Vegetable Oils		JUL 16, 2015
1069. Conditioned Exclusion for Listed Hazardous Waste Debris Treated via Extraction/Destruction	ENCORE	JUL 23, 2015
1070. Conditioned Exclusion for Characteristic Debris Treated via Immobilization		JUL 30, 2015
1071. RCRA Personnel Training and Classroom Training vs. Online Training		AUG 6, 2015
1072. PCB Decontamination Standards with No Decontamination Performed		AUG 13, 2015
1073. PCB Manifest Exceptions a.k.a. When is a PCB Manifest Not Required	ENCORE	AUG 19, 2015
1074. PCB Manifest Relief a.k.a. When is a PCB Manifest Not Required – The Sequel		AUG 27, 2015
1075. Hazardous Debris and Radioactively Contaminated Cadmium Batteries	ENCORE	SEP 3, 2015
1076. Hazardous Debris and Radioactively Contaminated Lead Acid Batteries	ENCORE	SEP 10, 2015
1077. Mercury Wet Cell Batteries - Debris or Not Debris	ENCORE	SEP 17, 2015
1078. Hazardous Debris and Non-Radioactive Lead Acid Batteries		SEP 24, 2015
1079. Unused Paraformaldehyde - U Listed Hazardous Waste or Not?	ENCORE	OCT 1, 2015
1080. CAS Numbers and the Hazardous Waste "U" and "P" Listings	ENCORE	OCT 8, 2015
1081. Universal Waste One Year Accumulation and Multiple Handlers	ENCORE	OCT 15, 2015
1082. LDR Notifications and F001-F005 Constituents of Concern	ENCORE	OCT 29, 2015
1083. LDR Notifications and F001-F005 Constituents of Concern – Again	ENCORE	NOV 5, 2015
1084. LDR Notifications and F001-F005 Constituents of Concern - One Last Time	ENCORE	NOV 12, 2015
1085. DOT and Terminal Protection of Alkaline Batteries	ENCORE	NOV 19, 2015
1086. Used Oil and Keeping Containers Closed – WAC 173-303 vs. 40 CFR 279		NOV 24, 2015
1087. PCB Weight Determinations	ENCORE	DEC 3, 2015
1088. Satellite Accumulation Requirements and Container Inspections	ENCORE	DEC 10, 2015
1089. 'Twas The Night Before Christmas - The Twenty-Third Annual Edition	ENCORE	DEC 24, 2015
1090. Satellite Accumulation and 85-Gallon Containers	ENCORE	DEC 31, 2015
1091. PCB Date Removed From Service Notations – On the Item or In a Log	ENCORE	JAN 7, 2016
1092. The Date Removed From Service Marking on the PCB Mark	ENCORE	JAN 14, 2016
1093. Generator Weekly Inspection Log Documentation – Federal vs. WA State	ENCORE	JAN 21, 2016
1094. Used Oil and Weekly Inspections	ENCORE	JAN 28, 2016
1095. TSCA/PCB Determinations for Fluorescent Light Ballasts via the Manufacture Date	ENCORE	FEB 4, 2016
1096. PCB Containers and Multiple Removed From Service Dates	ENCORE	FEB 11, 2016
1097. Generator Inspection Logs and Corrective Action Documentation	ENCORE	FEB 18, 2016
1098. PCB Concentrations and Micrograms per Centimeters Squared (µg/cm ²)		FEB 25, 2016
1099. RCRA Empty Containers and Removing as Much Waste as Possible	ENCORE	MAR 3, 2016
1100. PCB Incineration and "Six Nines" Destruction Removal Efficiency Criteria	ENCORE	MAR 10, 2016
1101. RCRA Treatment and The Two-Part Definition		MAR 17, 2016
1102. D002 Waste and Dilution as Adequate LDR Treatment	ENCORE	MAR 24, 2016
1103. Satellite Accumulation of Aerosol Cans and Determining the 55-Gallon Limit		MAR 31, 2016
1104. Satellite Accumulation and Process Location Changes	ENCORE	APR 7, 2016
1105. Satellite Accumulation Prior to and After Recycling		APR 14, 2016
1106. Method Detection Limits and Hazardous Waste Determinations	ENCORE	APR 21, 2016
1107. Method Detection Limits and Hazardous Waste Determinations II	ENCORE	APR 28, 2016
1108. Radioactive Lead Solids vs. Non-radioactive Lead Contaminated Debris	ENCORE	MAY 5, 2016
1109. PCB Bulk Product Wastes and the One Year Disposal Requirement		MAY 12, 2016
1110. PCB Waste Storage Limitations and the One-Year Extension		MAY 19, 2016
1111. PCB Waste Storage Limitations and the PCB Radioactive Waste Exemption		MAY 26, 2016
1112. Separating Hazardous Debris and Hazardous Nondebris	ENCORE	JUN 2, 2016
1113. Product Expiration Dates and Solid Waste Determinations (Reverse Distribution)	ENCORE	JUN 9, 2016
1114. Satellite Accumulation Areas and Incompatible Wastes		JUN 16, 2016
1115. Satellite Accumulation Areas and Ignitable Wastes		JUN 22, 2016
1116. Universal Waste, Incandescent Bulbs and Nonhazardous Bulbs	ENCORE	JUN 30, 2016
1117. The Domestic Sewage Exclusion and Sewer Sludge Removal		JUL 7, 2016

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TWO MINUTE TRAINING

TO: CH2M HILL PLATEAU REMEDIATION COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CHPRC Environmental Protection, Hanford, WA

SUBJECT: THE DOMESTIC SEWAGE EXCLUSION AND SEWER SLUDGE REMOVAL

DATE: JULY 7, 2016

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
Richard Austin Roni Ashley Tania Bates Bob Cathel Rene Catlow Richard Clinton Larry Cole John Dent Brian Dixon Eric Erpenbeck Stuart Hildreth Mike Jennings Stephanie Johansen Jeanne Kisielnicki Melvin Lakes Marty Martin Jim McGrogan Stuart Mortensen Dean Nester Dave Richards Phil Sheely Connie Simiele Jennie Stults Michael Waters Jeff Westcott Jeff Widney	Brett Barnes Mitch Boyd Ron Brunke Bill Cox Laura Cusack Lorna Dittmer Rick Engelmann Ted Hopkins Sasa Kosjerina Jim Leary Dale McKenney Jon McKibben Rick Oldham Anthony Nagel Linda Petersen Fred Ruck Ray Swenson Wayne Toebe Daniel Turlington Dave Watson Joel Williams	Jerry Cammann Jeff Ehlis Garin Erickson Panfilo Gonzales Jr. Dashia Huff Mark Kamberg Edwin Lamm Candice Marple Saul Martinez Jon Perry Christina Robison Lana Strickling Lou Upton	(TBD) <u>DOE RL, ORP, WIPP</u> Mary Beth Burandt Duane Carter Cliff Clark Mike Collins Tony McKarns Ellen Mattlin Greg Sinton Scott Stubblebine	Bill Bachmann Dean Baker Scott Baker Lucinda Borneman Paul Crane Tina Crane Jeff DeLine Ron Del Mar John Dorian Mark Ellefson Darrin Faulk Joe Fritts Lori Fritz Tom Gilmore Rob Gregory Gene Grohs James Hamilton Andy Hobbs Ryan Johnson Dan Kimball Megan Lerchen Richard Lipinski Charles (Mike) Lowery Michael Madison Terri Mars Cary Martin Grant McCalmant Steve Metzger Tony Miskho Matt Mills Tom Moon Chuck Mulkey Mandy Pascual Kirk Peterson Jean Quigley	Dan Saueressig Merrie Schilperoort Joelle Moss Glen Triner Greg Varljen Julie Waddoups Jay Warwick Kyle Webster Ted Wooley

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TWO MINUTE TRAINING

SUBJECT: The Domestic Sewage Exclusion and Sewer Sludge Removal

Q: A Washington State facility needs to clean-out a sewer line due to sludge buildup. The sewer line connects to an offsite Publicly-Owned Treatment Works (POTW). The facility is concerned that the sludge will exhibit a characteristic of hazardous waste even though the facility has not discharged any hazardous or dangerous waste per the requirements of its state waste discharge permit. The facility is also familiar with the domestic sewage exclusion (DSE) at [WAC 173-303-071\(3\)\(a\)\(ii\)](#) which basically states that any mixture of domestic sewage and other wastes that passes through a sewer system to a POTW for treatment are excluded as a solid waste and therefore cannot be a dangerous/hazardous waste. However, the facility is unsure about the phrase, “passes through a sewer system to a POTW”. If the sludge is removed from the sewer line, has the waste passed through a sewer system to a POTW, or does the waste have to pass all the way through to a POTW to be eligible for the domestic sewage exclusion?

A: An EPA memo dated March 10, 1997 ([RO 14068](#)), stated:

“To qualify for the DSE, wastes must pass through a sewer system to a publicly owned treatment works (261.4(a)(1)(ii)). Specifically, EPA has clarified in a February 12, 1990 letter ([RO 11490](#)) (enclosed) that wastes removed from a sewer line before they reach the POTW have not met the conditions of the exemption. ‘The waste, upon removal, loses its ‘excluded’ status under the domestic sewage exclusion and becomes subject to regulation as a solid waste.’”*

The facility’s sludge has entered a sewer system but has not passed through a sewer system to a POTW. Therefore the sludge upon removal from the sewer system prior to the POTW, is no longer an excluded waste and must be designated and managed accordingly, e.g., if a characteristic of hazardous waste is exhibited, the waste must be managed as a hazardous waste.

Note that WAC 173-303-071(3)(a)(ii) is more stringent than [40 CFR 261.4](#). The additional requirements include:

- A state waste discharge permit,
- The waste discharge must be specifically authorized by the state waste discharge permit,
- The waste discharge must not be prohibited by 40 CFR Part 403.5 (*National pretreatment standards*),
- The waste prior to mixing with domestic sewage must not exhibit a characteristic of hazardous waste or a WA State criteria for toxic or persistent dangerous waste, unless the waste is treatable at the POTW.

SUMMARY:

- Any mixture of domestic sewage and other wastes that passes through a sewer system to a POTW for treatment is excluded as solid waste.
- The exclusion in WA State includes more stringent requirements which include a state waste discharge permit.
- The phrase, “passes through a sewer system to a POTW” means that the exclusion only applies to waste that pass all the way through to the POTW and not just to the sewer line connecting the facility to the POTW.

Excerpts from WAC 173-303-071 and 40 CFR 261.4, and the EPA letters dated March 10, 1997 and February 12, 1990*, are attached to the e-mail. If you have any questions, please contact me at "Paul_W_Martin@rl.gov" or at (509) 376-6620.

*Typo – The February 12, 1990 letter is incorrectly dated February 12, 1988.

FROM: Paul W. Martin

DATE: 7/7/16

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: The Domestic Sewage Exclusion and Sewer Sludge Removal

WAC 173-303-071 Excluded categories of waste.

(3) Exclusions. The following categories of waste are excluded from the requirements of chapter 173-303 WAC, except for WAC 173-303-050 [*Department of Ecology cleanup authority*], 173-303-145 [*Spills and discharges into the environment*], and 173-303-960 [*Special powers and authorities of the department*], and as otherwise specified:

(a)

(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly owned treatment works (POTW) for treatment provided:

(A) The generator or owner/operator has obtained a state waste discharge permit issued by the department, a temporary permit obtained pursuant to RCW 90.48.200, or pretreatment permit (or written discharge authorization) from a local sewage utility delegated pretreatment program responsibilities pursuant to RCW 90.48.165;

(B) The waste discharge is specifically authorized in a state waste discharge permit, pretreatment permit or written discharge authorization, or in the case of a temporary permit the waste is accurately described in the permit application;

(C) The waste discharge is not prohibited under 40 C.F.R. Part 403.5; and

(D) The waste prior to mixing with domestic sewage must not exhibit dangerous waste characteristics for ignitability, corrosivity, reactivity, or toxicity as defined in WAC 173-303-090, and must not meet the dangerous waste criteria for toxic dangerous waste or persistent dangerous waste under WAC 173-303-100, unless the waste is treatable in the publicly owned treatment works (POTW) where it will be received. This exclusion does not apply to the generation, treatment, storage, recycling, or other management of dangerous wastes prior to discharge into the sanitary sewage system;

40 CFR §261.4 Exclusions

(a) Materials which are not solid wastes. The following materials are not solid wastes for the purpose of this part:

(1)

(i) Domestic sewage; and

(ii) Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment. "Domestic sewage" means untreated sanitary wastes that pass through a sewer system.

FROM: Paul W. Martin

DATE: 7/7/16

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: The Domestic Sewage Exclusion and Sewer Sludge Removal

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MARCH 10, 1997

Mr. William L. Warren
Drinker Biddle and Reath
1009 Lenox Drive
Building 4
Lawrenceville, New Jersey, 08648

Dear Mr. Warren:

Thank you for your March 5, 1996 letter to Michael Shapiro. In your letter, you requested guidance, directives or policy documents which address the applicability of the domestic sewage exclusion (Code of Federal Regulations, 40 CFR 261.4(a)(1)) in various situations.

As explained in your phone conversation with Kristina Meson, my staff and I have closely examined the matters raised in your letter. We have also reviewed the existing regulations and policies to ascertain whether they address the particular issue(s) which you identified. Provided below are responses your questions.

Question 1 Is the mixed stream of both chemical process waste and untreated sanitary waste which is discharged from a manufacturing plant through a sewer line to a publicly owned treatment works excluded from either the definition of solid or hazardous waste under the Resource Conservation and Recovery Act (RCRA) even if it would otherwise be considered a listed or characteristic hazardous waste?

A mixed stream of process and untreated sanitary waste which is discharged through a sewer line to a publicly owned treatment works (POTW) is not a solid or hazardous waste under RCRA, even if it would otherwise be considered a listed or characteristic hazardous waste. Section 1004(27) of RCRA provides that solid or dissolved material in domestic sewage is not solid waste as defined in RCRA. A corollary is that such material cannot be considered a hazardous waste for purposes of RCRA. This exclusion is known as the Domestic Sewage Exclusion (DSE). The DSE covers industrial wastes discharged to POTW sewers containing domestic sewage, even if these wastes would be considered hazardous if discharged by other means. "Domestic sewage" means untreated sanitary waste that passes through a sewer system. 40 CFR part 261.4(a)(1)(ii). The DSE, however, does not apply if the industrial waste stream never mixes with sanitary waste in the sewer prior to treatment or storage at the POTW (e.g. dedicated pipe). Mixtures of sanitary waste and other wastes that pass through sewer systems to publicly owned treatment works will, however, be subject to controls under the Clean Water Act, specifically, pretreatment standards at 40 CFR Part 403, including any applicable local limits imposed by the State or POTW, or by nationally applicable categorical pretreatment standards.

FROM: Paul W. Martin

DATE: 7/7/16

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: The Domestic Sewage Exclusion and Sewer Sludge Removal

Question 2

Would a mixed stream of both chemical process waste and untreated sanitary waste which is discharged from a manufacturing plant through a sewer line connected to a publicly owned treatment works which would otherwise be considered a characteristic or listed hazardous waste under RCRA be considered a hazardous waste and/or be required to be managed as a hazardous waste if it leaks from the sewer line before it reaches the publicly owned treatment works?

A mixed stream of chemical process waste (considered a characteristic or listed hazardous waste under RCRA) and sanitary waste which subsequently leaks from the sewer line before it reaches the POTW would not qualify for the Domestic Sewage Exclusion (DSE). To qualify for the DSE, wastes must pass through a sewer system to a publicly owned treatment works (261.4(a)(1)(ii)). Specifically, EPA has clarified in a February 12, 1990 letter (enclosed) that wastes removed from a sewer line before they reach the POTW have not met the conditions of the exemption. "The waste, upon removal, loses its "excluded" status under the domestic sewage exclusion and becomes subject to regulation as a solid waste."

Question 3

If a manufacturing facility with a RCRA corrective action permit has discharged waste materials of a mixed process and sanitary nature through a sewer line to a publicly owned treatment works, would a leak from the sewer line beyond the physical boundary of the manufacturing facility give rise to a solid waste management unit for which the operator of the manufacturing facility is responsible or would it fall outside the definition of a solid waste management unit?

Under RCRA corrective action authorities, permits for hazardous waste treatment, storage, or disposal facilities must require corrective action for releases of hazardous waste and hazardous constituents from solid waste management units. Corrective action is also required for releases that migrate beyond the facility boundary, as necessary to protect human health and the environment (See, e.g., RCRA Sections 3004(u), 3004(v), 40 CFR 264.101; 50 FR 28702, July 15, 1985; 52 FR 45788, December 1, 1987; and, 55 FR 30798, July 27 1990). The Agency also has the authority to include corrective action requirements in a facility's permit under its RCRA "omnibus" authority. See RCRA section 3005(c)(3). EPA has defined facility, for the purposes of corrective action, to mean "all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA." (See 40 CFR 260.10.)

As discussed in our response to question 2, materials leaked from sewer lines before they reach a POTW are no longer shielded by the DSE and are considered solid waste. Depending on whether or not the pipes from which the materials leaked are considered part of a "facility," they would or would not be subject to corrective action. Generally, releases from pipes or collection systems controlled by the owner/operator of a facility subject to corrective action would be considered part of the "facility" and would, therefore, also be subject to corrective action, as follows.¹

If it is determined, based on site-specific considerations, that a sewer line is part of a "facility" for purposes of corrective action, leaks from the line could likely be addressed as either solid waste Faxback# 14068 management units (SWMU) or areas of concern (AOC). EPA typically distinguishes between releases that constitute SWMUs and releases that constitute AOC by considering factors such as the rate of leakage and

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DATE: 7/7/16

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: The Domestic Sewage Exclusion and Sewer Sludge Removal

whether the release was routine or systematic. (55 FR 30808, July 27, 1990; 61 FR 19442, May 1, 1996.) At permitted facilities, releases from solid waste management units that occur at facilities are typically addressed using the authority of RCRA Sections 3004(u), while releases from facilities (i.e., beyond the facility boundary) are addressed using RCRA Section 3004(v). Non- SWMU related releases (i.e., AOC), either within or beyond the facility boundary, are typically addressed using the omnibus permitting authority of RCRA section 3005(c)(3) where necessary to protect human health and the environment. In addition to the corrective action authorities associated with RCRA permitting, where applicable, the interim status corrective action order authority of section 3008(h) may also be used to address similar types of releases at interim status facilities. Since both SWMUs and AOCs are subject to corrective action requirements, EPA has discouraged extended debate over distinctions between SWMU and AOC; discussions, and resources, should more properly focus on whether there has been a release that requires remediation (60 ER 19442, May 1, 1996).

Note that, application of corrective action requirements typically depends on a number of site- and waste-specific considerations that EPA typically uses when developing site-specific corrective action requirements. I encourage you to consult with the appropriate EPA region or authorized state to ensure that site-specific circumstances are appropriately considered. In addition, whether or not corrective action requirements apply, cleanup of releases of solid waste may be required under a number of federal or state authorities, including, at the federal level, RCRA section 7003 or CERCLA section 106.

Question 4

If a manufacturing facility with a RCRA corrective action permit discharges mixed process and sanitary waste materials to a publicly owned treatment works through a sewer line, does a basis exist for including in that corrective action permit areas of contamination beyond the physical boundaries of the manufacturing facility owned and operated by the permittee caused by a leak from the sewer line at a point beyond the physical boundary of the manufacturing facility owned and operated by the permittee?

See response to question 3.

Thank you for your interest in the hazardous waste regulations. If you need more information on the domestic sewage exclusion, please contact Kristina Meson, of my staff, at (703) 308-8488. Questions on RCRA corrective action should be addressed to Elizabeth McManus in the Corrective Action Programs Branch at (703) 308-8657. Also, in authorized states, the state implements its own regulations in lieu of the Federal RCRA program. An authorized state's requirements and policies may be different than those of the Federal program, therefore, it is important to contact your state environmental agency about this and other RCRA issues.

Sincerely,

David Bussard, Director
Hazardous Waste Identification Division

Faxback# 14068

FROM: Paul W. Martin

DATE: 7/7/16

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: The Domestic Sewage Exclusion and Sewer Sludge Removal

9441.1990(02)

RO 11490

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

FEB 12 1988

Thomas A. Corbett
Environmental Chemist I
New York State DEC
600 Delaware Avenue
Buffalo, New York 14202

Dear Mr. Corbett:

This letter is in response to your letter of October 31, 1989, in which you requested clarification of the domestic sewage exclusion of 40 CFR 261.4 (a)(1)(i) and (ii) as it may relate to excavated sludge from a sewer line. We understand that you have spoken with Region II personnel who referred you to the Office of Solid Waste (OSW). We have enclosed a copy of the memorandum you mentioned in your letter from Marcia Williams to David Stringham dated December 12, 1986. You have related to Emily Roth of OSW your request for a written response from EPA on this issue.

The situation as described in your letter involves waste removed from the low points of storm sewer lines by excavation. Apparently, the sewer occasionally becomes blocked as a result of the settling of solids from the sewage. The plan is to place the waste material in waste hauling vehicles and transport it to the publicly-owned treatment works (POTW), where it will be discharged into the system for processing. The waste is EP toxic for lead. Your letter asks if the waste: (1) retains its non-hazardous status under the domestic sewage exclusion after excavation from the sewer line or (2) is subject to regulation as a hazardous waste.

The domestic sewage exclusion of Section 261.4(a)(1)(i) states that neither domestic sewage nor any mixture of domestic sewage and other wastes that "passes through a sewer system to a publicly-owned treatment works for "treatment" are solid waste. In the situation you describe, the sludge is removed from the sewer line and, therefore, does not pass through the sewer system to the POTW.

The waste, upon removal, loses its "excluded" status under the domestic sewage exclusion and becomes subject to regulation as a solid waste. If the waste exhibits any of the characteristics of hazardous waste as described in 40 CFR Part 261, Subpart C, it must be regulated as a hazardous waste. In order for a POTW to receive hazardous waste, the POTW must be in compliance with the requirements of 40 CFR Section 270.60(c).

If you have any questions or comments regarding this letter, you may contact Emily Roth of my staff at (202) 382-4777.

Sincerely,

Original Document signed

Sylvia K. Lowrance
Director Office of Solid Waste

FROM: Paul W. Martin

DATE: 7/7/16

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