

<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
1063. F003 Listed Hazardous Waste and the 10% Rule	ENCORE	JUN 11, 2015
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 ( $\mu\text{g}/\text{cm}^2$ )		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
1118. The Domestic Sewage Exclusion and Sewer Sludge Transport		JUL 14, 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 TRANSPORT

**DATE:** JULY 14, 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 Transport

**Q:** In last week's Two Minute Training (2MT), we learned that if a mixture of domestic sewage and other wastes is removed from a sewer system prior to the Publicly Owned Treatment Works (POTW) facility, the domestic sewage exclusion at [WAC 173-303-071\(3\)\(a\)](#) [[40 CFR 261.4\(a\)\(1\)](#)], no longer applied and the waste was subject to hazardous/dangerous waste determinations. But what if a domestic sewage, hazardous/dangerous waste mixture is removed from the sewer line and then transported via a tanker to the POTW, would the domestic sewage exclusion apply?

**A:** A research of EPA guidance memos did not reveal an exact scenario to the above question, however, an EPA memorandum dated November 30, 1986, ([RO 12789](#)) discussed sewer wastes shipped to POTWs. As stated in the memo:

“If a material does not pass through a sewer system prior to arriving at a POTW, it is deemed to be solid waste and if appropriate, a hazardous waste.”

EPA also stated in the memorandum that they are aware of the “dichotomy which regulating a material on a basis of its mode of conveyance (i.e., by truck or sewer) appears to present”, i.e., it's weird, but that's the way it is.

Apparently, if the sewage is removed from the sewer prior to the POTW, and then shipped to the POTW, the waste would no longer be excluded and would be subject to hazardous/dangerous waste designations. Also, note that if the sewage waste was determined to be a hazardous or dangerous waste, the transporter and the POTW would have to be compliant with RCRA requirements.

However, it is not completely clear how other RCRA exclusions under the Clean Water Act apply to domestic sewage waste mixtures where the only difference is the waste conveyance to the POTW. Therefore, consulting with your Legal department or your local State agencies is highly recommended.

### 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.
- If the domestic sewage mixture does not pass through a sewer system prior to arriving at a POTW, it is a solid waste and if appropriate, a hazardous waste.
- If the domestic sewage mixture is shipped to a POTW via a transporter, the waste is not excluded.

Excerpts from WAC 173-303-071 and 40 CFR 261.4, and the EPA memorandum dated November 30, 1986, are attached to the e-mail. If you have any questions, contact me at "Paul\_W\_Martin@rl.gov" or at (509) 376-6620.

**FROM:** Paul W. Martin

**DATE:** 7/14/16

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## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** The Domestic Sewage Exclusion and Sewer Sludge Transport

### 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:** 7/14/16

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## TWO MINUTE TRAINING - ATTACHMENT

**SUBJECT:** The Domestic Sewage Exclusion and Sewer Sludge Transport

9441.1986(88)

11/30/86

TRUCK OR RAIL SHIPMENT OF HAZARDOUS WASTE TO A POTW

MEMORANDUM

**SUBJECT:** Truck or Rail Shipment of Hazardous Wastes to a POTW

**FROM:** Marcia Williams, Director  
Office of Solid Waste

**TO:** David A. Stringham, Chief  
Solid Waste Branch, Region V

This memo is a follow-up response to your September 8, 1986, request for clarification of the POTW exclusion in 40 CFR §261.4(a)(1)(ii).

As noted in my memorandum to you of September 25, 1986, the POTW exclusion is limited to the circumstances and conditions of §261.4(a)(1)(ii). Thus, a material is not a solid waste if it is "Any mixture of domestic sewage and other wastes that passes through a sewer system to a publicly-owned treatment works for treatment (emphasis added)." If the material does not pass through a sewer system prior to arriving at a POTW, it is deemed to be a solid waste and, if appropriate, a hazardous waste. Consequently, POTWs that manage wastes which have not passed through the sewer system and mixed with domestic sewage would be subject to all applicable hazardous waste regulations. Under §270.60(c), the POTW would be deemed to have a RCRA permit, provided they comply with the RCRA requirements identified in that Section. In addition, the POTW would be required to manage the residues of the treatment process as hazardous waste if the sludge either: 1) exhibits a characteristic of hazardous waste, or 2) was the result of treatment of a listed hazardous waste.

We are aware of the dichotomy which regulating a material on the basis of its mode of conveyance (i.e., by truck or sewer) appears to present. This situation was discussed in the Agency's February 1986 Report to Congress on the Discharge of Hazardous Wastes to Publicly Owned Treatment Works (Domestic Sewage Study; Pg. 6-85). However, at present this implies that EPA could exempt trucked or railed waste without a statutory change - highly dubious legally. Wastes which are shipped to POTWs by truck, rail, or dedicated pipe would not be covered by the §261.4(a)(1)(ii) exclusion nor would the residues from the treatment of a listed hazardous waste at that POTW be excluded from regulation.

cc: Regional Branch Chiefs  
Regions I-IV and VI-X

**FROM:** Paul W. Martin

**DATE:** 7/14/16

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