

MEMO

To: Steve Pullen and Cornelius Amindyas
From: Debby Brinkerhoff
Subject: Rinchem's Permit
Date: February 11, 1999

The City of Albuquerque Environmental Health Division approached the Hazardous and Radioactive Materials Bureau Enforcement Section last fall for permission to create a Conditionally Exempt Small Quantity Generator (CESQG) waste collection program and fold it into the existing Household Hazardous Waste collection program.

The City of Albuquerque currently uses Rinchem for the Household Hazardous waste collection program. Rinchem has a permit from the Hazardous and Radioactive Materials Bureau which allows this program to exist.

Note the example letter attached to the back of the Household Hazardous Waste Collection Policy. In this letter, number 5 requires a barrier and 25 foot distance between this waste and all other collected waste. It is this stipulation that is a problem for Rinchem and the City of Albuquerque. In order to save money on the storage and disposal, these two entities want to comingle similar wastes.

In theory, this practice seems to be allowable under the regulations. Note the EPA July 22, 1992 memo page 3, in the last paragraph, the statement by EPA says "the collection facility does not become the generator of the mixture merely by mixing CESQG with nonhazardous waste, and regardless of the quantity of the mixture of wastes, is not subject to the 40 CFR Part 262 generator regulations."

Our question to you, the permitting section, is if Rinchem does comingle CESQG and household hazardous waste will they violate any conditions in their permit? Thank you for helping us out on this question.

xc: Therese Martinez-Loner, City of Albuquerque, Environmental Health, P.O. Box 1293, Albuquerque, NM 87103 fax; 768-2617
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HOUSEHOLD HAZARDOUS WASTE COLLECTION AND MANAGEMENT POLICY
Hazardous and Radioactive Materials Bureau of the New Mexico Environment Department
August 28, 1998

Household Hazardous Waste (HHW) is exempt from the Resource Conservation and Recovery Act regulations as stated in 40 CFR 261.4 (b)(1). This regulation states that a resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes provided that the facility does not accept (industrial) hazardous wastes. This is a Federal regulation that the State of New Mexico has adopted by reference and has interpreted in the following manner.

Depending on the way collecting agencies such as Cities, Counties or some municipal entities handle HHW, they could be in one of the following three categories.

HOUSEHOLD HAZARDOUS WASTE COLLECTION FACILITY - ONLY-

The first category would be a collection facility that collects only household hazardous waste(HHW). The waste is collected, sorted, packed, stored on site and then transported to the appropriate disposal or recycling facility.

A facility in this category is exempt from the RCRA regulations, however it is recommended by EPA and NMED/HRMB that the waste be handled as a RCRA hazardous waste to reduce liability. When a community has already gone to the effort and expense of collecting these materials, the RCRA regulations provide a greater control and level of environmental protection.

It is recommended that following waste management hierarchy apply to the waste collected:

1. Reusing and recycling as much waste as possible;
2. Treating waste in a hazardous waste treatment facility; and
3. Disposing of remaining waste in a hazardous waste landfill.

The Department of Transportation regulations (DOT) must be followed, which includes labeling, marking, packaging and transporting requirements. For more information on these regulations call the Department of Public Safety - Motor Transportation Division, 505-827-0321 or 827-0644.

HOUSEHOLD HAZARDOUS WASTE and CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR WASTE STORED and SHIPPED OFF SITE WITHIN 10 DAYS OF RECEIPT

The second category is a collection agency such as a City, County or some municipal entity that collects

HHW and hazardous waste from facilities that are Conditionally Exempt Small Quantity Generators (CESQG). A CESQG is a facility or business that produces less than 100 kg (220 lbs) of hazardous waste per month.

When packaging the wastes, similar wastes can be added together as long as they are the same type of wastes and no new waste stream is created by mixing different wastes. It is recommended that the collection facility reuse and recycle as much waste as possible. Waste or material exchange facilities are excellent ways to reduce the quantity that needs to be disposed. Examples of waste that can be exchanged are partial cans or new cans of paint or pesticide.

No authorization letter is required from the Hazardous and Radioactive Materials Bureau as long as the temporary storage time of 10 days is not exceeded. This restriction will work only if the facility is not a full time collection site but is only open on designated collection days. Once the collection day is over the waste is packaged up and transported to treatment, storage or disposal facility.

By holding the waste less than 10 days the collection site, in fact, becomes a transfer facility. It is strongly recommended that the collection agency track the waste when it comes in and manifest the waste when it goes out. An operating log should be kept which records the source of each container, the date it was received, quantity and type of contents. A uniform hazardous waste manifest should accompany each shipment of CESQG hazardous waste. See the requirements of the next category for more details.

Once again, all applicable DOT regulations apply.

HOUSEHOLD HAZARDOUS WASTE and CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR WASTE COLLECTION SITE that STORES WASTE ON SITE MORE THAN 10 DAYS but LESS THAN 180 DAYS

The third category is a collection agency such as a City, County or some municipal entity that collects HHW and hazardous waste from facilities that are Conditionally Exempt Small Quantity Generators (CESQG). A CESQG is a facility or business that produces less than 100 kg (220 lbs) of hazardous waste per month. A collection facility may choose to store waste on site for an extended period. This allows an economically feasible quantity of waste to be collected prior to disposal. Typical wastes may include spent solvents, laboratory chemicals, paints, pesticides, antifreeze, waste oils and batteries.

This type of collection facility must have an authorization letter from the Hazardous and Radioactive Materials Bureau. (Attached is an example of this letter).

It is recommended that the collection facility reuse and recycle as much waste as possible.

Requirements typically imposed on collection storage facilities are;

1. Containers of hazardous waste shall not be stored at the collection facility for greater than 180 calendar days without prior written approval from HRMB.
2. The storage building or area must be locked and secured when not in use. The storage area must have at least a 2 foot aisle space between containers of waste, with containers no more than two deep and no more than two high. The storage area must have a containment system to capture all spills. The HHW must be stored separately from the CESQG waste with a physical barrier of no less than

one foot in width and ten feet in height or with a distance of no less than 25 feet between the wastes. This facility shall have a maximum total storage capacity of 13,228 lbs or 6,000 kg, which is approximately thirty 55 gallon containers based on the weight of water which is 8.3 lbs/gallon.

3. The containers must be kept closed at all times except when transferring or sampling contents.
4. An operating log shall be kept which records the source of each container, the date it was received, quantity and type of contents. It must be kept for three years on site.
5. Any spill or release of hazardous waste that reaches soil or migrates off-site must be reported to HRMB.
6. Routine inspection of all waste containers must be conducted. Inspection records must be kept to show that the inspection occurred.
7. The collection facility must have an up to date **Contingency Plan** that outlines the response to spills or catastrophes. Copies must be submitted to all local fire and police authorities who would respond to incidents at the facility.
8. A uniform hazardous waste manifest shall accompany each shipment of CESQG hazardous waste. These manifests shall be kept for three years on site.

If a facility chooses to store waste for greater than 180 days, the collection site would have to obtain a permit from the Hazardous and Radioactive Materials Bureau. The permitting process is very involved and may take an exceedingly long time to complete. This is not a recommended course of action.

NON-HAZARDOUS WASTE MANAGEMENT REQUIREMENTS for USED OIL and UNIVERSAL WASTE (BATTERIES, PESTICIDES, and MERCURY CONTAINING THERMOSTATS and THERMOMETERS)

Used Oil:

The collection site would have to follow the Used Oil Regulations (40 CFR 279). Attached is a summary of the used oil regulations. The oil may only be collected from what are considered to be do-it-yourselfers (DIY), in other words, households. All used oil containers must be kept closed and labeled "used oil" or "waste oil".

Universal Waste - Batteries, Pesticides, and Mercury Thermostats and Switches:

The collection facility is subject to the Small Quantity Handler requirements of Universal Waste if it accumulates no more than 11,000 lbs or 5000 kg of universal waste at one time. Attached is a copy of the Universal Waste regulations. These do have requirements for storage, labeling, marking, accumulation time limits, employee training, response to releases and off-site shipments. If greater than 5000 kg universal waste is accumulated onsite at any time you must follow the requirements for the Large Quantity Handler.

For more information about Hazardous Waste requirements contact the Hazardous and Radioactive Materials Bureau Technical Assistance Section, 505-827-1512, 827-1514. For more information about the Solid Waste requirements contact the Solid Waste Bureau at 505-827-2883.