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State of New Mexico  
**ENVIRONMENT DEPARTMENT**  
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February 26, 1996

*FYI.  
Coby*

Gene Smith  
27 CE/CEVC  
111 Engineers Way  
Cannon AFB, New Mexico 88103-5136

Dear Mr. Smith:

**RE: Regulatory status of oil/water separator tanks**

This letter is in response to your request for the New Mexico Environment Department's (NMED) concurrence with the February 6, 1995 letter from HQ Air Force Center for Environmental Excellence concerning the regulatory status of oil/water separators. NMED concurs with the interpretation provided by the February 6, 1995 letter. Specifically, a tank functioning as an oil/water separator is not regulated by the New Mexico Hazardous Waste Management Regulations (20 NMAC 4.1) as a hazardous waste tank. However, sludge generated as a result of the oil/water separation process is subject to the hazardous waste determination requirements found at 20 NMAC 4.1.300, which adopts federal regulation 40 CFR §262.11. If a sludge from an oil/water separator meets the definition of hazardous waste, it is subject to the management standards of 20 NMAC 4.1 upon its removal from the oil/water separator.

Please be reminded that a tank that is not part of a process, such as a wastewater collection sump that is not used to recover a usable product, may be regulated as a hazardous waste tank. If you have any questions, please contact me at (505) 827-1558.

Sincerely,

*Coby Muckelroy*

Coby Muckelroy  
RCRA Inspection/Enforcement Program Manager  
Hazardous and Radioactive Materials Bureau

xc: Jim Seubert, RCRA Inspection Group Supervisor