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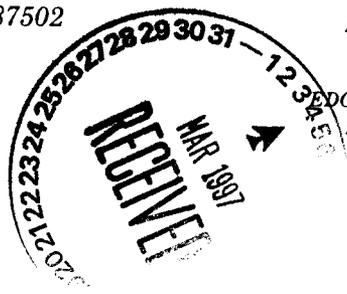


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February 25, 1997

H.L. Plum  
Office of Environment and Projects  
Department of Energy  
Albuquerque Operations Office  
Los Alamos Area Office  
Los Alamos, New Mexico 87544

RE: Sewage Sludge and Non-TSCA PCB Contaminated Waste Disposal

Dear Mr. Plum:

In response to your letter of January 31, 1997, the following will clarify the regulatory requirements of 20 NMAC 9.1 concerning the disposal of grits and screenings, sewage sludge, and PCB contaminated solid waste generated by municipal waste water treatment plants.

Grits and Screenings are currently regulated for transportation and disposal purposes as "ordinary" municipal solid waste (MSW). Grits and Screenings may be disposed of in any State approved MSW landfill as long as the material does not contain free liquids and is not otherwise regulated for disposal purposes, ie. radioactive or hazardous contaminants.

Sludge is a "special" solid waste as defined in Section 105.BZ., and according to Section 105.BT. is any solid, semi-solid or liquid waste, excluding treated effluent, generated from a municipal, commercial, or industrial waste water treatment plant.

Municipal waste water treatment plant sludge may be disposed of in either MSW or Special Waste landfills. However, disposal must be in accordance with the provisions of Section 709, which in part requires that MSW landfills be approved by the Department to accept sludge. The sludge must not contain free liquids, must not be otherwise regulated for disposal purposes, and must be sampled for and meet the analytical criteria specified in Section 1109, including 1109.4, which disallows municipal sewage sludge with detectable PCB levels.

The Los Alamos County Landfill is approved to accept municipal sewage sludge and other sludges (industrial or commercial) which it has accepted in the past.



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H.L. Plun (cont.)  
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It is my understanding based on the our discussion of November 7, 1996 and subsequent conversations, the Los Alamos National Laboratory Sanitary Waste Water Systems Consolidation (SWSC) Plant is not a municipal waste water treatment plant. Since 20 NMAC 9.1, Section 1109 is applicable to municipal water sludge, it would not apply to the sludge generated by the SWSC Plant.

SWSC Plant sludge, if determined to be a commercial or industrial waste water treatment plant sludge, must be analyzed in accordance with 20 NMAC 9.1, Section 1101.C. If it meets the standards, it may be disposed of in a Special Waste or MSW landfill authorized to accept such waste.

In response to your request for clarification of the State's regulatory position on the disposal of PCB contaminated material, 20 NMAC 9.1, Section 105.BV. excludes as solid waste any material regulated by TSCA. Ordinarily, solid waste with PCB concentrations of 49 ppm and below would be regulated by 20 NMAC 9.1 for disposal purposes. However, certain provisions of 40 CFR, PART 761 addresses instances where PCBs may be regulated at significantly lower levels. Therefore, we may question the basis for determining regulatory status before allowing the disposal of PCB contaminated solid waste in MSW landfills, therefore determining future disposal requirements on a case-by-case basis.

In conclusion, the grits, screenings and low level PCB contaminated industrial sludge generated by the SWSC Plant may be disposed of in a MSW landfill authorized to accept special wastes, or a Special Waste landfill. The Los Alamos County Landfill is authorized to accept this particular waste; however, as requested, a list of other landfills with authorizations for sludge is enclosed.

I hope my responses have clarified the issues and if you have other questions, please call me at (505) 827-2924.

Sincerely,



Charles A. Hules, Manager  
Compliance Monitoring & Enforcement  
Solid Waste Bureau

CAH:dg

enclosure

cc: Benito Garcia, HRMB, NMED  
Lou Roberts, Region VI, USEPA