

General

Pullen, Steve, NMENV

From: Gian Bacigalupa [gian@lanl.gov]
Sent: Tuesday, October 02, 2007 1:37 PM
To: Pullen, Steve, NMENV
Cc: jee@lanl.gov
Subject: Information Request
Attachments: excluded waste documentation - revised-LRVHfinal.doc; ATT327240.txt

Steve,

Jack Ellvinger asked me to informally send you the attached information. There will be a follow-up formal letter coming including the document too.

The purpose of this letter is to respond to your telephone request related to facility notices for exclusion from regulation under Resource Conservation and Recovery Act Subtitle C. As described in 40 CFR §268.7(a)(7), the facility must keep a one-time record describing the exclusion in the facility's on-site files. The specific exclusion notice you had asked about on September 27, 2007 was related to exclusion notices for wastes managed in wastewater treatment systems subject to the Clean Water Act.

The attached list represents the documentation that LANL maintains in compliance with the regulation. The document incorporates minor revisions to the one that you received in November 2006 during your tour of Technical Area 16. The document incorporates a discussion of the wastewater exclusion as part of a list of the exclusions contained in 40 CFR §§261.2 through 261.6 to address the full requirements of 40 CFR §268.1(a)(7).

Gian Bacigalupa
ENV-RCRA
667-1579

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Documentation of Information Required to Comply with §40 CFR 268.7(a)(7)

40 CFR 268.7(a)(7)	
Generators managing a <u>prohibited waste</u> [hazardous at the point of generation and intended for land disposal] “that is excluded from the definition of hazardous or solid waste or is exempted from Subtitle C regulation under §40 CFR §261.2 through §261.6 <u>subsequent to the point of generation</u> ... must place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste, in the facility’s on-site files”	
Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
§261.2(e)(1)(i) Materials used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed	NA – These wastes are excluded at the point of generation.
§261.2(e)(1)(ii) Materials used or reused as ingredients in an industrial process to make a product	NA – These wastes are excluded at the point of generation.
§261.2(e)(1)(iii) Materials that are returned to the original process from which they are generated without being reclaimed or land disposed.	NA – These wastes are excluded at the point of generation.
§261.3(a)(2)(i) Mixtures of waste from beneficiation, extraction, and processing or ores and minerals and a solid waste	NA – Los Alamos National Laboratory (LANL) does not generate waste from beneficiation, extraction, and processing or ores and minerals
§261.3(a)(2)(iv)(A) Carbon tetrachloride, tetrachloroethylene, and/or trichloroethylene in wastewater managed in a Clean Water Act (CWA) permitted facility	NA - This exclusion is not used at LANL.
§261.3(a)(2)(iv)(B) Methylene chloride, 1,1,1-trichloroethane, chlorobenzene, o-dichlorobenzene, cresols, cresylic acid, nitrobenzene, toluene, methyl ethyl ketone, carbon disulfide, isobutanol, pyridine, and/or spent chlorofluorocarbon solvents in wastewater managed in a CWA-permitted facility	NA - This exclusion is not used at LANL.

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
§261.3(a)(2)(iv)(C) Certain wastes discharged to refinery oil recovery sewers	NA- LANL does not generate this waste stream.
§261.3(a)(2)(iv)(D) Commercial chemical products or chemical intermediates arising from <i>de minimis</i> losses from normal material handling, minor leaks; discharges from safety showers and rinsing and cleaning of personal safety equipment; and rinsate from empty containers or from containers that are rendered empty by rinsing mixed with wastewater if the discharge point is CWA-permitted	This waste stream is excluded at the point of generation.
§261.3(a)(2)(iv)(E) Wastewater resulting from laboratory operations containing toxic (T) wastes listed in Subpart D of §40 CFR §261	The RLWTF is a LANL National Pollution Discharge Elimination System (NPDES) permitted facility using this exemption. When using this exemption, the RLWTF takes composite samples to ensure that the annualized average concentration of toxic wastes listed in §40 CFR 261, Subpart D does not exceed one part per million. The disposition of these chemicals is covered by the exemption at §40 CFR 261.4(a)(2) – see the discussion on that exemption below. This document and the NPDES permit application are maintained in the U.S. Environmental Protection Agency’s (EPA) files. The analytical data is on file at TA-50. These documents fulfill the requirements of §40 CFR 268.7(a)(7).
§261.3(a)(2)(iv)(F) and (G) Exemptions applying to K156 and K157 wastes	NA- LANL does not generate this waste stream.
§261.3(a)(2)(v) Rebuttable presumption for used oil	NA –The rebuttable presumption is used to demonstrate that the used oil does not contain hazardous waste. The oil is intended for recycling, not land disposal. Therefore, it is not a prohibited waste and §40 CFR 268 does not apply.

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
<p>§261.3(c)(2)(i) Materials reclaimed from solid waste and that are used beneficially, unless the reclaimed material is burned for energy recovery or used in a manner constituting disposal</p>	<p>NA –This waste stream is excluded at the point of generation.</p>
<p>§261.3(c)(2)(ii)(A) Non-characteristic waste pickle liquor sludge from the steel industry</p>	<p>NA- LANL does not generate this waste stream.</p>
<p>§261.3(c)(2)(ii)(B) Waste from burning certain petroleum refinery wastes</p>	<p>NA- LANL does not generate this waste stream.</p>
<p>§261.3(c)(2)(ii)(C) Non wastewater residues from processing of K016, K062 or F006 waste</p>	<p>NA- LANL does not generate this waste stream.</p>
<p>§261.3(c)(2)(ii)(D) Biological treatment sludge from certain carbamate wastes</p>	<p>NA- LANL does not generate this waste stream.</p>
<p>§261.3(d) Solid wastes described under 261.3(c) are not hazardous if the waste does not exhibit the characteristic of a waste identified in Subpart C, as long as a listed waste was not treated. If the waste is listed, a petition to exclude the waste under §§260.20 and 260.22 must have been granted.</p>	<p>This exemption applies to characteristic-only wastes at LANL because a petition to exclude listed waste has not been submitted. The applicability of this exemption must be made on a case-by-case basis for each waste stream. Information on the generation of the material is included on each waste’s WPF. Generators identify whether wastes result from treatment, which ensure the underlying hazardous constituents (UHCs) are addressed. Information on the disposition of the waste is included on its manifest. The WPFs and manifests are maintained in Waste Services’ files and databases. This document is maintained by Environmental Protection. These documents fulfill the requirements of §40 CFR 268.7(a)(7).</p>
<p>§261.3(f) Hazardous debris [and environmental media] that has been treated to 268.45 standards or has received a no-longer-contained-in determination</p>	<p>NA - This section specifically excludes this waste stream from §40 CFR 268 requirements – it is not a prohibited waste.</p>

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
<p>§261.3(g) Waste that is hazardous only because it is ignitable, corrosive, or reactive (ICR-only) once it no longer exhibits any characteristic</p>	<p>The applicability of this exemption must be made on a case-by-case basis for each waste stream. Information on the generation of the material is included on each waste's WPF. Information on the disposition of the waste is included on its manifest. The WPFs and manifests are maintained in Waste Services' files and databases. This document is maintained by Environmental Protection. These documents fulfill the requirements of §40 CFR 268.7(a)(7).</p>
<p>§261.3(h) Low-level mixed wastes meeting the eligibility criteria/conditions of §40 CFR 266, Subpart N</p>	<p>NA – This waste stream is excluded at the point of generation.</p>
<p>§261.4(a)(1) Domestic sewage and mixtures (in a Publicly Owned Treatment Works) of domestic sewage and other wastes</p>	<p>NA - This waste stream is excluded at the point of generation.</p>
<p>§261.4(a)(2) Industrial wastewater discharges (including deactivated characteristic wastes) subject to regulation under Section 402 of the CWA, as amended</p>	<p>This exclusion covers discharges from all outfalls permitted under LANL's NPDES Permit No. NM0028355. The descriptions of the generation and disposition of each waste stream are described in the most recent NPDES permit application, on file with the EPA. This document and the NPDES permit application are maintained by EPA and fulfill the requirements of §40 CFR 268.7(a)(7).</p>
<p>§261.4(a)(3) Irrigation return flows</p>	<p>NA- LANL does not generate this waste stream.</p>
<p>§261.4(a)(4) Source, special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended</p>	<p>NA - This waste stream is excluded at the point of generation and is also under the NPDES permit.</p>
<p>§261.4(a)(5) Materials subjected to in-situ mining techniques which are not removed from the ground as part of the extraction process</p>	<p>NA- LANL does not generate this waste stream.</p>
<p>§261.4(a)(6) Pulping liquors</p>	<p>NA- LANL does not generate this waste stream.</p>

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
§261.4(a)(7) Spent sulfuric acid used to produce virgin sulfuric acid	NA- LANL does not generate this waste stream.
§261.4(a)(8) Secondary materials that are reclaimed in a closed-loop system and returned to the original process(es) in which they were generated	NA – This waste stream is excluded at the point of generation.
§261.4(a)(9) Spent wood preserving solutions and wastewaters that have been reclaimed and used for their original intended purpose	NA- LANL does not generate this waste stream.
§261.4(a)(10) K060, K087, K141, K142, K143, K144, K145, K147, and K148 waste streams	NA- LANL does not generate these waste streams.
§261.4(a)(11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metal recovery units	NA- LANL does not generate this waste stream.
§261.4(a)(12) Oil-bearing hazardous secondary materials generated at a petroleum refinery	NA- LANL does not generate this waste stream.
§261.4(a)(13) Exempted scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled	NA – This waste stream is excluded at the point of generation.
§261.4(a)(14) Shredded circuit boards being recycled	NA – This waste stream is excluded at the point of generation.
§261.4(a)(15) Kraft mill steam stripper condensates	NA- LANL does not generate this waste stream.
§261.4(a)(16) Comparable fuels or comparable syngas	NA – LANL does not generate this waste stream.
§261.4(a)(17) Secondary materials generated from primary mineral processing	NA- LANL does not generate this waste stream.
§261.4(a)(18) Petrochemical recovered oil from an organic chemical manufacturing facility	NA- LANL does not generate this waste stream.

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
§261.4(a)(19) Spent caustic from petroleum refining	NA- LANL does not generate this waste stream.
§261.4(b)(1) Household Waste	NA- LANL does not generate this waste stream.
§261.4(b)(2) Solid waste returned to the soils as fertilizers for the growing and harvesting of agricultural crops or the raising of animals, including animal manures	NA- LANL does not generate this waste stream.
§261.4(b)(3) Mining overburden returned to the mine site	NA- LANL does not generate this waste stream.
§261.4(b)(4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily by the combustion of coal or other fossil fuels	NA – This waste stream is excluded at the point of generation.
§261.4(b)(5) Drilling fluids from the exploration, development, or production of crude oil, natural gas, or geothermal energy	NA – This waste stream is excluded at the point of generation.
§261.4(b)(6) Trivalent chromium wastes	NA – Only chromium-bearing wastes from three industry groups are excluded. LANL is not covered by this exclusion.
§261.4(b)(7) Solid waste from the extraction, beneficiation, and processing of ores and minerals	NA- LANL does not generate this waste stream.
§261.4(b)(8) Cement kiln dust	NA- LANL does not generate this waste stream.
§261.4(b)(9) Discarded arsenical-treated wood or wood products which fails the TC for D004-D007 and is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and the wood product for these materials' intended end use	NA – This waste stream is excluded at the point of generation.

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
§261.4(b)(10) Petroleum-contaminated media and debris that fail the TC for D018 to D043 and are subject to the corrective action regulations	NA – This waste stream is excluded at the point of generation
§261.4(b)(11) Injected groundwater from certain petroleum recovery operations	NA- LANL does not generate this waste stream and the exclusion expired in 1993.
§261.4(b)(12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment that is being reclaimed	NA – This waste stream is excluded at the point of generation.
§261.4(b)(13) Non-terne plated used oil filters	NA- LANL does not generate this waste stream.
§261.4(b)(14) Used oils re-refining distillation bottoms	NA- LANL does not generate this waste stream.
§261.4(b)(15) Leachate from landfills used to dispose of certain petroleum refining wastes	NA- LANL does not generate this waste stream.
§261.4(b)(16) Certain International Business Machines semiconductor wastes	NA- LANL does not generate this waste stream.
§261.4(b)(18) By-products resulting from the production of automobile air bags	NA- LANL does not generate this waste stream.
§261.4(c) Hazardous wastes generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process or an associated non-waste-treatment manufacturing unit until removed	NA - This section specifically excludes this waste stream from §40 CFR 268 requirements – it is not a prohibited waste.
§261.4(d) Samples for waste characterization, except when returned to the originator, if the sample is hazardous or mixed waste	NA - This section specifically excludes this waste stream from §40 CFR 268 requirements – it is not a prohibited waste.
§261.4(e) Treatability study sample generation/collection	NA - This section specifically excludes this waste stream from §40 CFR 268 requirements – it is not a prohibited waste.

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
<p>§261.4(f) Samples undergoing treatability studies at laboratories and testing facilities except when returned to the originator, if the sample is hazardous or mixed waste</p>	<p>NA - This section specifically excludes this waste stream from §40 CFR 268 requirements – it is not a prohibited waste.</p>
<p>§261.4(g) Dredge material subject to the requirements of a permit issued under section 404 of the Federal Water Pollution Control Act or section 103 of the Marine Protection Research and Sanctuaries Act</p>	<p>NA – This waste stream is excluded at the point of generation. LANL currently has several active 404 permits.</p>
<p>§261.5 Conditionally exempt small quantity generators</p>	<p>Fenton Hill Facility (NMD986676807) which has its own hazardous waste identification number is a conditionally exempt small quantity generator as documented in each year's annual business fee reply.</p>
<p>§261.6(a)(2)(i) Recyclable materials used in a manner constituting disposal</p>	<p>This waste stream is not excluded from the definition of hazardous or solid waste, nor is exempted from Subtitle C regulation. Therefore, §40 CFR 268.7(a)(7) is not applicable.</p>
<p>§261.6(a)(2)(ii) Hazardous waste burned for energy recovery in boilers and industrial furnaces that are not regulated under subpart O of §40 CFR 264 or 265</p>	<p>This waste stream is not excluded from the definition of hazardous or solid waste, nor is exempted from Subtitle C regulation. Therefore, §40 CFR 268.7(a)(7) is not applicable.</p>
<p>§261.6(a)(2)(iii) Recyclable materials from which precious metals are reclaimed</p>	<p>This waste stream is not excluded from the definition of hazardous or solid waste, nor is exempted from Subtitle C regulation. Therefore, §40 CFR 268.7(a)(7) is not applicable.</p>
<p>§261.6(a)(2)(iv) Spent lead-acid batteries being reclaimed</p>	<p>This waste stream is not excluded from the definition of hazardous or solid waste, nor is exempted from Subtitle C regulation. Therefore, §40 CFR 268.7(a)(7) is not applicable.</p>
<p>§261.6(a)(2)(v) U.S. Filter Recovery Services wastes</p>	<p>NA – These regulations apply only to U.S. Filter Recovery Services Wastes.</p>
<p>§261.6(a)(3)(i) Industrial ethyl alcohol that is reclaimed</p>	<p>NA- LANL does not generate this waste stream.</p>

Documentation of Exclusion/Exemption (40 CFR)	Location of Waste Generation and Disposition Information if 268.7(a)(7) Applies
§261.6(a)(3)(ii) Scrap metal not excluded under 261.4(a)(13)	NA – This section specifically excludes these materials from §40 CFR 268 – it is not a prohibited waste and §40 CFR 268.7(a)(7) is not applicable.
§261.6(a)(3)(iii) Fuel produced from the refining of oil-bearing hazardous wastes	NA- LANL does not generate this waste stream.
§261.6(a)(3)(iv) Hazardous waste fuel produced from petroleum refining, production, or transportation	NA- LANL does not generate this waste stream.
§261.6(a)(4) Used oil that is recycled and is hazardous solely because it exhibits a hazardous characteristic	NA – This section specifically excludes these materials from §40 CFR 268 – it is not a prohibited waste and §40 CFR 268.7(a)(7) is not applicable.
§261.6(a)(5) Hazardous waste that is exported to or imported from designated member countries of the Organization for Economic Cooperation and Development	NA- LANL does not generate this waste stream.