

[Date]

[Name]

[Business]

[Address]

Re: RCRA Hazardous Waste Notification Requirements

Dear [Name]:

On July 24, 1990, the US Environmental Protection Agency (EPA) promulgated in the *Federal Register* changes to the general pretreatment regulations (cf., 55 FR 30082). The changes affected both publicly owned treatment works (POTWs) and industrial users (IUs) of POTWs. "Industrial users" or "IUs" includes non-domestic users such as commercial users and businesses. One of the changes requires IUs to submit a notification of hazardous wastes discharged to POTW sewerage collection systems. It is a pretreatment program Resource Conservation and Recovery Act (RCRA) reporting requirement. This pretreatment program requirement is codified in the Code of Federal Regulations at 40 CFR 403.12(p).

The Oregon Department of Environmental Quality (DEQ) is the pretreatment program Approval Authority for Oregon. The DEQ and federal regulations (cf., 40 CFR 403.8(f)(2)(iii)), require us to notify you of this RCRA reporting requirement. It is one of the requirements of our approved pretreatment program. Pretreatment program RCRA reporting requirements are incorporated into our Municipal Code in Section **[Cite Applicable Code Section Number]**. Following is a brief description of this requirement.

Who Must Notify:

All non-domestic users of the **[Municipality's]** sewerage collection and treatment facilities that discharge listed or characteristic RCRA hazardous waste to the POTW (except as described below) must notify the **[Municipality]** and other regulatory agencies. RCRA listed and characteristic wastes are described in 40 CFR Part 261.

Notification Must be Sent to:

- The **[Municipality]**
- The EPA Regional Waste Management Division Director, and
- State of Oregon Hazardous Waste Authority

This notification must be submitted in writing for any discharge into the **[Municipality's]** POTW of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261.

Wastes Covered by the Notification:

- Any discharge to the POTW of > 15 kilograms (kg) (33 lb.) per calendar month of a RCRA hazardous waste, or a discharge of any quantity of an acutely hazardous waste identified in 40 CFR 261.30(d) and 261.33(e), must be reported as a one-time notification.
- A discharge to the POTW of ≤ 15 kg (33 lb.) per calendar month of a RCRA hazardous waste need not be reported, except for acutely hazardous waste identified in 40 CFR 261.30(d) and 261.33(e).
- A subsequent discharge of > 15 kg (33 lb.) per calendar month, or of any quantity of an acutely hazardous waste, must be reported as a one-time notification.
- Pollutants already reported under reporting requirements for categorical industrial users in base line monitoring, final and periodic compliance reports are not subject to this notification requirement.

Notification Must Include:

- Name of the hazardous waste as set forth in 40 CFR Part 261.
- EPA hazardous waste number.
- Type of discharge to the sewer (continuous, batch, or other).
- A certification that you have in place a program to reduce the volume and toxicity of hazardous wastes generated to the degree you have determined to be economically practical.

If you discharge more than 100 kilograms (220 lb.) of hazardous waste per calendar month to the POTW, the one-time notification shall also contain the following information to the extent such information is known or readily available:

- An identification of the hazardous constituents contained in the wastes.
- An estimation of the mass and concentration of such constituents in the waste stream discharged during the calendar month in which the one-time report is made.
- An estimation of the mass of constituents in the waste stream expected to be discharged during the twelve months following the notification.

When the Notification Must be Submitted

- If you commenced discharging such wastes before August 23, 1990, you were required to have submitted this notification by **no later than February 23, 1991**. If you fall into that category and have not yet submitted the notification, do so right away.
- If you commence discharging after August 23, 1990, you must submit the notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. **[This paragraph is based on 40 CFR 403.12(p) but should be modified in accordance with the Municipality's local sewer Code requirements. For example, many Municipalities require immediate notification from all users.]**
- In the event the USEPA identifies any additional characteristics of hazardous waste or listing of any additional substance as a hazardous waste pursuant to Section 3001 of Resource Conservation and Recovery Act of 1976 "Identification and Listing of Hazardous Wastes" (40 CFR § 261), you must notify the **[Municipality]**, EPA and the State of Oregon of the discharge of such substance within 90 days of the effective date of such regulations.
- The notification need be submitted only once for each hazardous waste discharged, except when there will be a substantial change in the volume or character of the hazardous waste discharged (generally because of a planned change in your facility operations). In this case, you must notify the **[Municipality]** in advance.

How to Count the Volume of Hazardous Waste Discharged

If a hazardous waste is mixed with a non-hazardous process or non-process waste stream and the entire mixture is then discharged to the sewer, the volume of the entire waste stream containing hazardous waste is considered hazardous according to the RCRA "mixture rule" in 40 CFR 261.3(a)(2)(iii). The effect of this rule is summarized as follows:

- **Characteristic Wastes:** These wastes are classified as hazardous because they exhibit one of the hazardous characteristics identified in 40 CFR 261.20 – 40 CFR 261.24 (i.e., they are ignitable, corrosive, reactive, or toxic). If these wastes are mixed with non-hazardous materials and the mixture is then discharged to the sewer, the notification must be submitted only if the **entire mixture actually discharged** is > 15 kg (33 lb.) per calendar month and if the entire mixture discharged still exhibits the characteristic(s).
- **Listed Wastes:** These are wastes that are classified as hazardous pursuant to being listed in 40 CFR 261.30 – 40 CFR 261.33. If these listed wastes are mixed with non-hazardous materials and then discharged to the sewer, the entire waste stream is considered hazardous and a notification must be submitted. Thus, only if the entire

waste stream containing the hazardous waste amounted to ≤ 15 kg (33 lb.) per calendar month, would the above exemption apply.

- **Questionable Wastes:** If you have any doubt about whether a mixture discharged to the sewer is hazardous, or if you do not wish to perform any calculations which may be necessary under the mixture rule (cf., 40 CFR 261.3(a)(2)(iii)) you should submit the one-time notification.

If you have any questions, please call me at [Telephone Number] and/or .

USEPA Region 10

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Oregon DEQ

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Sincerely,

[Name]
[Title]