

Multimedia Subcommittee Conference Call
February 9, 2010
2:00 – 3:00 pm (EST)

Participants: Kerri Cope, Phyllis Copeland, Dave Fiedler, Christine Grossman, Sara Johnson, Terry Polen, Linda Sadler, Teena Wooten, and Audrey Zelanko

1. Open Discussion on RCRA Requirements

Teena Wooten, USEPA, Office of Resource Conservation and Recovery, gave an overview of the following regulations.

Definition of Solid Waste

- Rule final in December 2008. This final rule is intended to modify the existing definition to exclude some additional hazardous secondary materials that are recycled from being regulated as solid (and therefore hazardous) wastes. EPA being sued because it encourages recycling facilities in environmental justice areas.
- Four states (i.e., Iowa, Alaska, New Jersey and Pennsylvania) either have to or automatically adopt this regulation. 22 recycling facilities in three of these states have notified USEPA that they are managing hazardous wastes under the DSW rule.
- Except for the four above, states do not have to adopt EPA regulations because the DSW rules are relaxed the federal regulations and states regulations can be more stringent than the states.
- For more information about this rule go to:
<http://www.epa.gov/epawaste/hazard/dsw/index.htm>

Solvent Wipes

- Still in proposal. Two parts to the rule: 1). solvent contaminated rags that are laundered and returned to the business using them are no longer hazardous wastes even though they may contain F-listed wastes, and 2). disposable wipes excluded from the definition of hazardous waste so they can be sent to landfills, municipal incinerators or industrial kilns for disposal. USEPA has to review the risk analysis they used in the rulemaking.

RCRA Resource

- A great resource to get up to speed on RCRA is a book entitled "RCRA Unraveled" by McCoy - <http://www.mccoyseminars.com/unraveled.cfm>

New Hampshire RCRA Training

- The New Hampshire Department of Environmental Services (DES) RCRA regulations do not include conditionally exempt small quantity generators. Therefore, paint filters and other solid hazardous wastes cannot go into the dumpster. The DES provides required generator training every year. Last year they trained 841 people from over 300 facilities that are full quantity generators (i.e., generate between 220 and 2,200 pounds of hazardous waste per month). Facilities will often send more than one person to the training.

<http://des.nh.gov/organization/commissioner/pip/factsheets/hw/documents/hw-26.pdf>

Disposal of Solidified Clear Coat Paints

- Automotive clear coat wastes are very volatile, flash points 1 degree or 7 degrees for reducers. Some clear coat products (2 component catalyst clear coats) will harden and become solid regardless if kept in a covered container. Jobbers are telling shops in New Hampshire to throw it in the dumpster. Can't do it because New Hampshire does not have CESQG and waste is expected to be a hazardous waste due to toxicity for solvents and/or metals unless proven otherwise with Toxicity Characteristic Leaching Procedure (TCLP) testing for waste.
- The consensus was that shops should be determining the toxicity characteristic of the waste by having a laboratory analyze an extract of the waste using the TCLP to determine the contaminants levels.
- One concern about using knowledge to determine toxicity characteristic is that contaminants less than 1% in the material are often not identified in the MSDS per OSHA MSDS requirements. These contaminants will however still show up in the TCLP at levels that would make the waste a characteristic hazardous waste due to toxicity for metals and solvents.

Should SBEAPs whose states have CESQG be pushing auto body shops to do a TCLP test on their paint filters and other solid hazardous wastes that typically end up in their dumpster regardless of whether they are deemed hazardous or not? Most states on the call (Kentucky, Michigan, South Carolina and Tennessee) do have conditionally exempt generator status in their rules. New Hampshire does not. Shops generating small enough volumes of hazardous waste could use knowledge and assume all paint waste are a characteristic hazardous waste and thus include them in their monthly generator status determination. This would be of no detriment if they can maintain CESQG status by following the exemption and generating less than 220 lbs per month and never storing more than 2,200 pounds per month. The benefit of doing this is that the CESQG shop could still dispose of solid wastes as a non-hazardous solid or liquid waste as non-hazardous liquid without having to perform the expensive TCLP analysis of the waste to meet the characterization requirements.

2. Update on Discussion with OECA on Improving Collaboration between USEPA and the SBEAP

The next meeting between SBEAP representatives and the USEPA Environmental Assistance Network (EAN) will occur on February 18, 2010. Dave will update the committee on the meeting discussion at our March conference call.

Please send Dave suggestions for agenda topics for the March 9th Meeting

Next Meeting March 9th 2 to 3:00 pm EST