



The Key to Managing Your Sump Waste: Determining if it's Hazardous

Rules and regulations

Idaho adopts the code of Federal Regulations (CFR) Title 40, Parts 124, 260-266, 268, 270, and 279 by reference into state rules and regulations. These regulations require persons who generate solid waste(s) to determine whether the waste is, or is not, a hazardous waste before disposing of it (40 CFR § 262.11). Sump wastes are considered a solid waste.

Owners and/or operators of facilities where collection sumps are in operation must be able to demonstrate they have adequately determined if the contents of the sump(s) are hazardous waste prior to shipping the sump waste off-site for disposal (40 CFR § 262.11).

How to determine if your waste is hazardous

Regulations allow this determination to be made by chemical analysis of sample(s) or by "knowledge

of process", provided the knowledge of process is accurate. This "knowledge of process" may include the knowledge that listed hazardous wastes have or have not entered the sump (40 CFR § 261 Subpart D).

Facilities which limit the type of use (i.e. washing of new or used cars) and access (i.e. company related cars only) to the sump may be able to show that no hazardous constituents/wastes are used in the processes which discharge or drain into the sump, thereby establishing that the sump contains no hazardous wastes.

On the other hand, if the sump is associated with engine washing or degreasing processes, used oil or used antifreeze spills or disposal, the use or spilling of hazardous chemicals / materials, or is located in an area where there are no controls on who has access to the sump, the "knowledge of process" non-hazardous determination will not be

allowed. When this happens, a sample of the sump waste may have to be submitted to a laboratory for chemical analysis.

Testing

Chemical analysis is generally used for the determination of hazardous waste characteristics including the following:

- ▶ flash point to determine ignitability;
- ▶ pH - to determine the corrosivity; and,
- ▶ Toxicity Characteristic Leaching Procedure (TCLP) to determine toxicity.

If pesticides are associated with the sump, a pesticide scan test will also be required.

Preliminary screening tests (i.e. Total Metals rather than TCLP metals Method 1311), which tend to be less expensive, may be used as part of the determination. If, however, the results reveal con-

centrations of total metal(s) to be in excess of the TCLP levels, additional sample(s) and analysis(es) for the TCLP level of the specific metal(s) involved may be necessary to determine if the sump waste(s) is hazardous.

Where to dispose of your waste

If any of the analyses show a hazardous waste characteristic is met or exceeded, the sump waste must be disposed of in accordance with the Resource Conservation and Recovery Act/Hazardous Waste Management Act (RCRA/HWMA) hazardous waste regulation. **All analytical results must be kept on file at the facility for at least three years, but it is recommended they be kept on file indefinitely.**

If the sump waste is determined to be hazardous and the generator of the waste is a Small or Large Quantity Generator, the waste must be disposed of in a permitted hazardous waste Treatment, Storage, and Disposal Facility (TSDF). A list of TSDFs may be obtained from the Idaho Division of Environmental Quality (DEQ) upon request.

If the sump waste is non-hazardous, it may be disposed of in a Municipal Solid

Waste Landfill (MSWLF). However, prior to disposal at the MSWLF, all non-hazardous sump waste must pass the paint filter test (Method 9095), a test to determine whether free liquids exist in the waste ("Test Method for Evaluating Solid Waste, Physical / Chemical Methods", EPA Publication SW-846).

Some MSWLFs will not allow sludges to be dumped unless the Total Petroleum Hydrocarbon (TPH) level is tested and is found to be below 1,000 parts per million (ppm). This is a local requirement and not part of the state and federal hazardous waste regulations. Check with the specific MSWLF you plan to use. If the test is required, it can be done at the same time as the test for hazardous constituents. Additionally, sump wastes which are not hazardous but which contain significant levels of TPH should not be placed on the ground, since the waste may cause surface or ground water contamination.

How often do you need to test?

Facilities which do not change their process and who continue to control

access may only need to test the sump waste one time.

Facilities which restrict access, for example by design, to only private vehicles (as opposed to commercial trucks) may need to test the sump waste periodically, perhaps once a year.

Facilities which do not restrict access, such as public car washes, or are involved with truck washing where cargo holds are washed, will need to test the sump waste each time prior to removal and disposal.

For more information

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