

From: Scott Donovan [sdonovan@flagstaffaz.gov]

Sent: Wednesday, February 11, 2009 8:24 AM

To: Martha L. Seaman

Subject: Information Not Included in Stakeholder Comment Letters and Documents at ADEQ Website

Martha,

I sent the following to Veronica on 7/9/2008 and do not see it posted with the other comments on the website.

Thanks,

Veronica,

This information below was forwarded to Martha Seaman on July 2, 2008 and describes EPA's direction regarding handling of CESQG waste at a Household Hazardous Waste Facility. It was not discussed during the last meeting about Article 6. The city of Flagstaff has used this memorandum as guidance to accept CESQG waste. I am forwarding this to you because I have not heard a response and noticed it is not addressed in the latest SW redline. The restriction of holding CESQG waste for 90 days or less was not in the previous version of the proposed SW regulation so this is a new comment from the City of Flagstaff that needs to be answered. I was considering attending next week's meetings but am unsure if it is worth my time as I was told we would talk offline about other questions I had during the last round of meetings.

Please advise as to how you would like to address ADEQ's position regarding this EPA guidance. I am available this week and would like to discuss this before next week's meeting or know if I should bring it up during the meeting.

Thanks,

The US EPA provided direction regarding Household Hazardous Waste (HHW) Collection Programs that manage both CESQG and HHW in memorandum 9574.00-02 sent to Waste Management Directors of Regions I to X on July 22, 1992. The memorandum states Household Hazardous Waste (HHW) Collection Programs are not subject to the full RCRA Subtitle C requirements merely because these two types of wastes are mixed together even if the mixed CESQG waste and household hazardous wastes were to exhibit a characteristic of a hazardous waste. The collection facility does not become the generator of the mixture merely by mixing CESQG waste with nonhazardous waste, and regardless of the quantity of the mixture of wastes, is not subject to the 40 CFR Part 262 generator regulations (this includes 90 day or less accumulation times for the storage of wastes). This guidance was used to develop the City of Flagstaff's program for accepting CESQG waste and mixing it with compatible household hazardous waste. The attached link will direct you to the subject EPA Memorandum.

[http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/0966F751505674F18525670F006BE8C6/\\$file/11681.pdf](http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/0966F751505674F18525670F006BE8C6/$file/11681.pdf)