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Regulations:

Subject: Response to Questions from State Pesticide Personnel:
Regulation of Pits

Addressee: N/A

Originators: John H. Skinner, Director, and Amy E. Schaffer, Program Analyst,
Office of Solid Waste and Emergency Response

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Summary:

If the pit is a tank, the waste stream is exempt from RCRA if it is subject to an NDPES permit. If the pit is a surface impoundment and the waste stream is hazardous, it is fully regulated by RCRA.

- 1) Pits used for breaking down residual chemicals are now considered to be disposal sites and are regulated as such. Many sites forced applicators to adopt this "new" technology several years ago. Now these sites have caused individuals to be regulated the same as major hazardous waste sites. Is a lesser classification reasonable and obtainable?

It depends on whether the pit is a tank or a surface impoundment. If a tank, the waste stream is exempt from RCRA when subject to an NPDES permit. If a surface impoundment, and the waste stream is hazardous, it is regulated by RCRA. Lesser classification would be cumbersome and confusing and would not be in keeping with the intent of RCRA which is to protect human health and the environment.

- (12) What EP toxicity testing is required when chemicals which are intended for disposal are mixed together?

EP toxicity testing is the same for all wastes that are meant for disposal. See SW-846.

- (13) When a waste contains only one active ingredient, how does disposal criteria differ from more than one active ingredient waste?

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Discarded commercial chemical products are only regulated as hazardous waste where the chemical listed in §261.33 is the sole active ingredient.

- (14) We seem to be indicating storage of types of pesticide wastes, i.e., herbicide waste or insecticide waste, together is acceptable procedure today. Is that correct?

Yes, if there is no reactivity between the wastes and the wastes are compatible with the container.

- (15) Exemptions, are they fair and do the existing standards really safeguard the environment?

This is a rhetorical question. EPA regulations and concerns are dynamic and always subject to change if warranted.