

Summary Notes of NEWMOA Conference Call of December 12, 2006
Management of Gasoline/Water Mixtures

On December 12, 2006 the NEWMOA States, except for Rhode Island, and EPA-New England participated in a conference call to discuss each State's approach to management of waste gasoline and water mixtures which are typically generated from cleanouts of gasoline product USTs and spill buckets at gas stations, cleanouts of gasoline storage tanks at bulk terminals and of pipes/pipelines transporting gasoline, gasoline spills commingled with rain or stormwater, or gasoline NAPL pumped from groundwater. Gasoline/water mixtures may be hazardous waste (HW) by virtue of ignitability (D001) and/or exhibiting the toxicity characteristic for benzene (D018).

CT --- regulate gas/water mixtures as off-spec' commercial chemical product (CCP). If gasoline recovered from the mixture is used as a legitimate fuel, then the mixture is not a RCRA solid waste. Gasoline used as a solvent does not fit the exclusion of not being a solid waste. Any use of the recovered gasoline as a fuel for legitimate energy recovery maintains the exclusion. CT doesn't consider the % of gasoline in the mixture as a criterion for legitimate gas recovery. Any intermediate storage of the mixtures between site of generation and the site of gasoline reclamation may need a permit on a case-by-case basis. CT to send along the weblink to their fact sheet on this issue.

MA – gas/water mixtures sent for reclamation of the gasoline content are exempted from regulation only if the specific conditions in the applicable regulation are followed. Mass. allows intermediate storage of the mixtures as long as mixtures are destined for gasoline recovery and actual recovery occurs. Spill debris containing gasoline is subject to a HW determination and must be managed as HW if it exhibits a HW characteristic.

ME --- regulates gas/water mixtures as off-spec' CCP as long as gasoline re-inserted on-site into the process generating the mixtures or is shipped to original manufacturer; otherwise, gas/water mixtures must be shipped as hazardous waste. Waste gasoline at junkyards/gas stations is HW unless shipped for reclamation. On-site filtering/reclamation of the mixtures to produce reuseable gasoline is allowed. Spill debris containing gasoline without free liquids is regulated as a special waste.

NH --- gas/water mixtures considered to be off-spec' CCP and if reclaimed for the gasoline content are not regulated. NH has a fact sheet on management of the mixtures. NH exempts waste fuels if continued to be burned as a fuel (includes jet fuel and diesel). NH planning to expand the fact sheet to include handling of fuel-contaminated debris. Gasoline reclaimed from gas/water mixtures and used as a fuel is not regulated; must store mixtures like a product. Reclaimed gasoline under the exemption can be burned as a fuel in any type of burner for energy recovery or blended to make a fuel. Handlers of the mixtures claiming the exemption must maintain documentation to claim the exemption; must be able to prove legitimate reclamation.

NJ --- follows the EPA rule about handling gas/water mixtures as off-spec' CCP. The mixtures can be transported to a TSDf for blending to make HW fuel sent to cement kilns and incinerators or can be sent to Class D recycling facilities (can't accept mixtures that have a flash point) to recover the gasoline content. Some NJ refineries can take in these mixtures and refine them. NJ sets no % of gasoline in the mixtures as to what is acceptable to meet the exemption. NJ has no special classification for gasoline-contaminated spill debris; if it meets the definition of a HW, it must be managed as such. Rainwater collected at bulk gasoline terminals and sent back to the gasoline supplying facilities is exempted from regulation even though it may contain very little gasoline for recovery.

NY --- since 1995 NY has accepted and used the EPA guidance on this issue of 3/19/86: gasoline tank bottoms from gasoline storage tanks are not solid waste when sent for reclamation or fuels blending. Prior to 1995, gas/water mixtures were considered off-spec' material and not a CCP. Facilities in NY recycling these mixtures need non-hazardous solid waste permits. Gasoline drained from automotive tanks at junkyards and used as a fuel are not a RCRA solid waste. There is no special classification for gasoline-contaminated spill debris. If it meets the definition of a HW, then it must be managed as a HW.

NY raised the issue that the NH fact sheet does not exempt from regulation tank bottom sludges but that it can be difficult to distinguish the sludges from the exempted gas-contaminated tank waters. NH responded that if the sludges contain only fuel constituents, the policy and exemption would apply but if non-fuel hazardous constituents not normally present in the sludges were present, then the exemption would not apply.

VT --- There is a fuel-to-fuel exemption in VT regulations (modified reg took effect 10/15/06) that's been approved by EPA-NE. It contains a list of applicable fuels (see handout). As a basis for their regulation, VT referenced a memo written by Ron Fine of EPA-NE (participant in the call) concluding that the EPA exclusion for 40 CFR 261.33 listed off-spec CCPs being reclaimed, also applies to fuels that exhibit a HW characteristic; not just to fuels that would meet a HW listing. On this issue, CT referenced a federal register notice of 4/11/85 (55 FR 14-19) (see also 40 CFR 261.2, Table I -listed CCPs being reclaimed are not a solid waste) to the same effect. VT also has a fact sheet available on-line, which indicates the exemption covers fuels reused as fuels and gas/water mixtures but not tank cleaning wastes, not rinsewaters from cleaning tanks and not tank bottom sludges which are not readily reclaimed for gasoline content. VT regulates gasoline-contaminated spill debris as HW if it meets the definition of a HW. NH referenced a RCRA Online letter which indicates spill debris originating from spilled CCP if burned for energy recovery can be a CCP.

EPA-NE --- Ron Fine to send along a copy of his memo written for VT that addresses characteristic CCPs being reclaimed.

Next conference call: 1/9/07

Topic: management of precious metals waste including spent photofixer

