

Rules and regulations

Idaho has adopted 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 to determine whether the waste is 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 sumps 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 samples 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 part 261 subpart D).

Facilities that limit the type of use (e.g., washing of new or used cars) and access (e.g., company-related cars only) to the sump may be able to show that no hazardous constituents/wastes are used in the processes that 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 spillage of hazardous chemicals/materials, or an area where there are no controls on who has access to the sump, the "knowledge of process" nonhazardous determination is not allowed. When this happens, a sample of the sump waste may have to be submitted to a laboratory for chemical analysis.

For more information

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DEQ Sump Waste Webpage: www.deq.idaho.gov/sump-waste



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



Idaho Department of
Environmental Quality
www.deq.idaho.gov



Testing



Chemical analysis is generally performed to determine hazardous waste characteristics, including the following:

- Flash point to determine ignitability
- pH to determine corrosivity
- Toxicity characteristic leaching procedure (TCLP) to determine toxicity

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

Preliminary screening tests (e.g., total metals rather than TCLP metals Method 1311), which tend to be less expensive, may be used as part of the determination. However, if the results reveal concentrations of total metal in excess of the TCLP levels, additional samples and analyses for the TCLP level of the specific metal involved may be necessary to determine if the sump waste is hazardous.

How often do you need to test?

Facilities that do not change their process and that continue to control access may only need to test the sump waste one time.

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

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



Where to dispose of your waste

If the analyses show the sump waste is a **hazardous waste** 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 (TSD) facility in accordance with the Resource Conservation and Recovery Act/Hazardous Waste Management Act (RCRA/HWMA) hazardous waste regulations. A list of TSD facilities may be obtained from the Idaho Department of Environmental Quality (DEQ) upon request. All analytical results must be kept on file at the facility for at least three years but preferably indefinitely.

If the analyses show the sump waste is a **nonhazardous waste**, it may be disposed of in a municipal solid waste landfill (MSWLF). However, prior to disposal at the MSWLF, all nonhazardous 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 found to be below 1,000 parts per million. Where it exists, this is a local requirement and not part of 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 that are not hazardous but do contain significant levels of TPH should not be placed on the ground, since the waste may cause surface or ground water contamination.