



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

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OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE  
NOW THE  
OFFICE OF LAND AND  
EMERGENCY MANAGEMENT

Jeffrey T. Miller  
President & Executive Director  
Treated Wood Council  
1101 K Street, NW  
Washington, DC 20005

Dear Mr. Miller:

Thank you for letter on November 30, 2016 requesting clarifications regarding generators accumulating hazardous waste on drip pads. These questions arose due to the Hazardous Waste Generator Improvements Rule. Your letter raised three concerns which are answered below. We appreciate your interest in this matter and hope this letter provides the clarity requested.

Our summary Q&A of your concerns is as follows:

**Question 1:** May very small quantity generators (VSQGs) accumulate hazardous waste on-site using drip pads?

**Answer:** Yes, the Agency confirmed in the preamble to the Hazardous Waste Generator Improvements Final Rule (See page 81 FR 85768, third column) that wood treaters who are VSQGs may accumulate hazardous wastes on-site using drip pads provided they comply with the 40 CFR Part 265 Subpart W technical requirements.

Previously, the Agency had acknowledged in its technical guidance document, *Wood Preserving Resource Conservation and Recovery Act Compliance Guide: A Guide to Federal Environmental Regulation*, EPA-305-B-96-001, (June 1996) at section 3-8 that VSQG wood treaters may accumulate hazardous wastes on drip pads. However, they could only do so if they complied with the technical requirements of 40 CFR 265 Subpart W.

**Question 2:** Must generators accumulating hazardous waste on drip pads comply with Subparts G and H of 40 CFR Part 265 when undergoing closure?

**Answer:** No. When undertaking closure of a drip pad, the final generator rule does NOT require closure of the drip pads to comply with Subparts G and H of 40 CFR Part 265. At closure of a drip pad, per § 262.17(a)(8)(iv), the generator must comply with the drip pad specific closure requirements § 265.445(a) and (b) as well as LQG closure notification (§ 262.17(a)(8)(ii)), and general closure standards per § 262.17(a)(8)(iii)(1) and (3).

**Question 3:** Must LQGs accumulating hazardous waste on drip pads comply with 40 CFR 265.445(c), or are they excluded from this provision just like SQGs accumulating hazardous waste on drip pads?

**Answer:** Just like SQGs, LQGs are not required to comply with 40 CFR 265.445(c). This was an inadvertent oversight on the part of the Agency in the final generator regulatory text. The Agency will examine whether a technical correction is necessary to address this oversight.

If you have any further concerns or would like to discuss the responses provided above, please contact Brian Knieser of my staff, at 703-347-8769 or at [knieser.brian@epa.gov](mailto:knieser.brian@epa.gov).

Sincerely,



Betsy Devlin, Director

Materials Recovery and Waste Management Division  
Office of Resource Conservation and Recovery