UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

DRP-8J

March 16, 2000

Mr. George Anderson
Director of Regulatory Compliance
U.S. Filter Recovery Services, Inc.
2430 Rose Place
Roseville, MN 55113

RE: USFRS XL Project for Ion Exchange Resins

Dear Mr. Anderson:

USEPA is developing drafts of the Final Project Agreement (FPA) and site-specific regulation to implement USFRS ion exchange resin XL Project. We appreciate the time and energy you and others from USFRS have spent working with USEPA and other stakeholders to further define and refine this project. Attached to this letter is an outline of our proposed Project Element Requirements based on our understanding of your proposal. We envision these elements would form the basis of both the FPA and any proposed regulatory relief. Consequently, we would like USFRS to review the attached document closely for both legal and technical accuracy. After USFRS's review we would be happy to discuss any concerns or modifications which USFRS would like to discuss.

USEPA is proposing to limit the first phase of this project to ion exchange resins from customers approved by USFRS, with USEPA and MPCA each having the ability to veto a customer within 7 days of USFRS providing the name of that potential customer to the agencies. The customers would have to use USFRS to transport the ion exchange resin canisters to and from USFRS. USFRS would transport these XL wastes in accordance with the DOT hazardous materials transport requirements. The wastes would not be characterized as a hazardous waste at the customer pick up location provided the customer complies with certain substitute requirements. However, the wastes would be treated as a hazardous waste at the USFRS facility. The substitute customer requirements would include limited storage of any used canisters (not to exceed 30 days) and a requirement that the canister be drained of water prior to storage. Additionally, the customer would be responsible for any storage, spills or leaks which occur while the canisters are stored on its property, prior to pick-up by USFRS, as described in more

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detail in the enclosed Outline of Project Element Requirements. The customer would use the USEPA approved USFRS bill of lading. The customer would be relieved of the responsibility to characterize its wastes or submit annual reports. USFRS would take responsibility for these elements.

Certain elements of the project may be more restrictive than you proposed (e.g., transport of the XL wastes via USFRS). USEPA is willing to discuss these restrictions with you. In addition, there are also certain elements of the project which require further refinement. For instance, those elements asterisked on the attached outline, and data collection and reporting elements to measure success of this project are not detailed in the attached outline. To assist our discussions and evaluations on these elements, USEPA would request that USFRS submit a copy of the following: 1. The XL Project Waste Application form; 2. The bill of lading it would use for these shipments; 3. A copy of a typical contract and approval letter that it would use. These documents would need to address the conditions for participation outlined in the attached document, if they do not do that already.

Thank you again for your interest in Project XL. USEPA anticipates that it would provide you with a draft FPA and rule by early May. To meet this ambitious goal we request that you expedite your review and respond to this letter by March 23, 2000. Please feel free to continue to contact team members informally regarding any clarifications you may need to help you in your response. You may contact me at (312) 886-6212.

Sincerely,

Robert J. Egan
Corrective Action Project Manager
Waste Management Branch

Enclosure

cc: Joe Carruth, MPCA
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Vishnu Katari, OECA
Charles Openchowski, OGC

USFRS Ion Exchange Resin XL Project
Outline of Project Element Requirements

General principles: The customers of the XL waste would be temporarily and conditionally exempt from the RCRA regulatory requirements contained in 40 CFR 260-268 and 279 provided:

> The customer handles the XL waste in accordance with the substitute requirements identified below,
> The XL waste is transported only to USFRS on USFRS transport vehicles,
> The XL waste is handled as a hazardous waste once it is received at USFRS, and
> USFRS complies with the additional requirements identified below.

Any spills of XL waste during the transportation of it to USFRS would be the responsibility of USFRS and would be handled in a like manner as a spill of hazardous waste. USEPA would impose substitute requirements for handling and disposal of this XL waste.

Any spills or leaks of XL waste at the customer, would be the responsibility of the customer and would be handled as a hazardous waste.

XL wastes defined: The wastes subject to this project and thus defined as XL wastes are:

> The USFRS water treatment resin canisters and their contents from approved USFRS customers. The wastes include the ion exchange resins, the wastes contained on or within the ion exchange resins and any other wastes contained within the canisters. These XL wastes would only include wastes which would otherwise be characterized as F006 wastes. Approved USFRS customers would include only those customers who have properly identified their wastes and processes and who have received notification of approval by USFRS. USFRS would have to provide the name of each customer it approved to USEPA and MPCA. USEPA and MPCA would each have the ability to veto a customer within 7 days of USFRS providing the name of that potential customer to the agencies.

Customer substitute requirements:

The customer would be responsible for the following:

> Providing USFRS with an accurate description of the processes and chemicals involved in the generation of the XL waste. This would occur prior to USFRS accepting the customer into the XL project. Additionally, once accepted by USFRS into the XL project, the customer shall provide USFRS with prior

notification of any changes in the processes. The XL waste designation would only apply to waste streams identified by the customer and approved by USFRS, so long as USEPA and MPCA have not vetoed a specific waste stream within 7 days of being notified of that waste stream by USFRS..

The customer would only use USFRS to transport and treat the XL wastes.

The customer would be responsible for any spills or leaks of the XL wastes prior to USFRS collection and transport of the XL wastes. If spills or leaks occur the customer would immediately contain and collect the wastes, including contaminated soils, and notify USFRS within 24 hours of discovery of the spill of the need to pick-up the XL wastes. USFRS would have 5 days to pick up the wastes. The customer would make a written recording of its notification to USFRS.

The customer would store the XL waste on-site for no more than 30 days.

The customer would store the XL waste on an impervious surface with adequate secondary containment to hold the XL waste in the case of a leak. The secondary containment must be capable of containing the contents of the containers in storage.

The customer would clearly mark any container of XL waste with a label which states:

> "XL waste from (insert customer's name). Handle as a hazardous material and ship only to USFRS located at 2430 Rose Place, Roseville, MN. This waste was placed in this container on (date) and placed in storage at (insert customer's name) on (date)."

The customer would manage the XL waste in a container that is in good condition, is only open when adding or removing material and is in a container compatible with the waste it contains.

The customer would store the XL waste separately from its other wastes or materials and would ensure that there is adequate aisle space to determine if there are any leaks during its storage and the condition of the containers.

The customer would inspect the condition of the XL waste containers weekly while they are in storage at its company.

The customer must retain the ability to legally treat and dispose of its process wastes contributing to the XL waste stream in the event that it is either subsequently excluded by USFRS from the XL project or it elects to discontinue

participation in the XL project.

The customer would complete and use the USFRS bill of lading when arranging the transport of XL wastes to USFRS.

The customer would retain for three years a copy of the following:

-USFRS XL Waste Application,
-The contract with USFRS,
-The process description and USFRS XL project approval,
-Any correspondence with USFRS regarding process changes or changes in USFRS approval of the customer's wastes for inclusion in the XL project.
-A record of its inspection of any storage areas and notifications of spills or leaks of XL wastes, and
-The bills of lading.

The customer would have to comply with requirements which are substantively the same as those contained in 40 CFR §§ 265.111 and 265.114 if it closed its facility.

USFRS additional requirements:

-The ion exchange resins and any associated waste ("XL waste"), once it is received at the USFRS facility, would retain its hazardous waste identity, i.e., F006 and must be handled as a hazardous waste under RCRA and in full compliance with USFRS hazardous waste permit conditions.

-USFRS must recycle the metals it reclaims from the resins.

-Prior to accepting a customer into the project, USFRS would initially perform a complete profile analysis for the customer's waste stream(s) which would be subject to the ion exchange process. USFRS would provide USEPA and MPCA with 7 days advance notice of each customer that it proposes to add to its XL project. USFRS would reject any customer who USEPA or MPCA vetoes.

*Upon approval USFRS would provide the customer with a contract and approval letter.
*The contract and approval letter would at a minimum:

-identify the customer, USFRS' profile analysis of the customer's waste stream(s) and the customer's processes contributing to the XL waste,
-require the customer to use USFRS to transport and treat the XL wastes
-would require the customer to comply with the generator substitute requirements

for these XL wastes,
-require either party to provide at least 60 days written notice prior to termination from participation in the XL project. USFRS may wish to impose a deposit on its customer so that a 60 day notice requirement would not be a hardship to USFRS. After that time all ion exchange canisters and wastes located at the customer would lose their XL designation and must be handled appropriately. Additionally, the customer would be responsible for ensuring that its process wastewater are handled in accordance with the appropriate regulatory requirements.
-require that USFRS pick up all of its canister which may be left at a customer after termination of the contract.

-USFRS would ensure that the XL wastes are transported to USFRS facility via USFRS trucks. USFRS would deliver the canister to its facility within 72 hours of pick up from its customer. USFRS would handle the XL wastes during transport in accordance with the USDOT requirements for transport of hazardous materials.

*USFRS would require its customer to use the bill of lading. The bill of lading would, at a minimum, contain the following information:

-the customer's name;
-a unique number to identify the customer's shipment;
-a description of the waste as XL waste and the quantity;
-a certification signed by the customer that the waste is "XL waste" and has not been mixed with any other wastes and that there has not been any change in the customer's process since the time of USFRS waste profile analysis;

USFRS would maintain a list of its customers approved for participation into the XL project. The list would identify by customer name the results of USFRS's profile analysis and the customer's process waste streams approved for participation in the XL project. The list would be provided to USEPA and MPCA on a quarterly basis.

USFRS would retain for three years a copy of the following:

-The contracts with and approval letters to its customers,
-Any correspondence with its customers relevant to the customer's participation in the XL project.
-A record of any notifications of spills or leaks of XL wastes USFRS receives from its customers,
-The annual report it completed for its customers, and
-The bills of lading for each shipment.

USFRS would provide an annual report on all XL wastes by generator. The annual report would, at a minimum identify each customer of USFRS that sent XL wastes to USFRS,

the quantity that USFRS received for each customer during the calendar year and a certification by USFRS that those wastes were treated at USFRS in accordance with this XL project.

Waste residues from the treatment of XL wastes brought to USFRS also retain their hazardous waste identity, i.e., F006 and must be managed as a hazardous waste.

*USFRS would use an XL Waste Application for each customer who proposes to participate in the XL Project, (see Appendix B of the October 21, 1998, letter from George Anderson to Christopher Knopes). USFRS would modify the XL Waste Application to eliminate items I.4-6 and III.)

USFRS would have to provide various data on a continual basis so that USEPA can determine the amount of superior environmental benefit resulting from this project. That information would include, but not be limited to: 1) the volume of waste collected and recycled 2) the amount of metals recycled 3) the volume of recycled material sold to others 4) data regarding the management of the ion exchange canisters 5) the constituents of the sludge 6) information regarding how the sludge and residues are managed. USEPA is continuing to determine what additional data we would need during the project and we will include those data needs in the FPA and the proposed rule. USFRS would, of course, have to manage this waste in such a way so that it could provide USEPA with the requisite information.