

# Drip Pads/Hazardous Waste: U.S. Environmental Protection Agency June 8th Letter Addressing RCRA Accumulation Issues



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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The United States Environmental Protection Agency (“EPA”) in a June 8th letter responded to a request for clarification regarding generators accumulating Resource Conservation Recovery Act (“RCRA”) hazardous waste on drip pads.

EPA was responding to a November 30, 2016, letter from Jeffrey T. Miller, President & Executive Director of the Treated Wood Council.

The Treated Wood Council questions arose due to the Hazardous Waste Generator Improvements Rule.

EPA first addressed whether very small quantity generators (“VSQGs”) can accumulate hazardous waste on-site using drip pads.

The agency responded in the affirmative noting that it “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.” A 1996 technical guidance document (Wood Preserving Resource Conservation and Recovery Act Compliance Guide: A Guide to Federal Environmental Regulation) is referenced in addressing the question.

The Treated Wood Council also asked whether generators accumulating hazardous waste on drip pads must comply with Subparts G and H of 40 CFR Part 265 when undergoing closure.

EPA answers in the negative stating:

When undertaking closure of a drip pad, the final generator does NOT require closure of the drip pads to comply with Subparts G and H of 40 CFR Part 65. At closure of a drip pad, per § 262.17(a)(8)(iv) the generator must comply with drip pads 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).

Finally, EPA addresses whether Large Quantity Generators (“LQGs”) accumulating hazardous waste on drip pads must comply with 40 CFR 265.445(c), or are they excluded from this provision just like Small Quantity Generators (“SQGs”) accumulating hazardous waste on drip pads.

EPA states:

Just like SQGs, LQGs are not required to comply with 40 CFR 265.445(c). This was 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](#).

[The letter is authored by Betsy Devlin, Director, Materials Recovery and Waste Management Division, Office of Resource Conservation and Recovery and can be downloaded here.](#)