



Commonwealth of Massachusetts
Executive Office of Environmental Affairs

**Department of
Environmental Protection**
Central Regional Office

William F. Weld
Governor

Trudy Coxe
Secretary, EOE

Thomas B. Powers
Acting Commissioner

April 19, 1995

Lake Front Enterprises
10 West Birch Road
P.O. Box 462
Norfolk, MA 02056

RE: Envirobond 403

Attn: Robert Bergquist,
President

Dear Mr. Bergquist:

The Department of Environmental Protection (the Department) has reviewed the information that you submitted to us regarding Envirobond 403. You have requested that the Department clarify the applicable regulatory classification and management requirements that would apply to this product when it is used to contain a release of oil as part of performing a response action in accordance with the Massachusetts Contingency Plan (310 CMR 40.0000).

Used and unused waste oil in Massachusetts is classified as a state listed Hazardous Waste. However, pursuant to 310 CMR 30.0252(2), the management standards for used or unused waste oil that has been released to the environment, may be managed in accordance with 310 CMR 40.0000, rather than 310 CMR 30.000.

In general, inorganic or organic adsorbents used as part of a 21E remedial response action to contain a release to the environment of used or unused waste oil must be managed in accordance with the management requirements contained in 310 CMR 40.0030.

Spent adsorbents which are not generated as a result of a 21E response action (ie. not for an environmental release), must be managed in accordance with 310 CMR 30.000. An example of M.G.L. chapter 21C regulated activities include using adsorbents to clean out UST sludges prior to tank decommissioning. Releases not

entering the environment which are incidental to the operation or maintenance of mechanical equipment is another example of waste materials that must be managed in accordance with Massachusetts Hazardous Waste Regulations (310 CMR 30.000).

The key distinction in determining which set of regulatory requirements apply to used or unused waste oil contamination is to determine whether:

- (1) if a release to the environment has occurred; and
- (2) if that release triggers notification and response actions under 21E and the MCP.

If these conditions have been met then the material may be managed in accordance with 310 CMR 40.0030. If not, then the contaminated material, including any adsorbents, must be managed under 310 CMR 30.000.

Based upon an initial review of the information provided by you, it appears that "raw" ENVIRO-BOND 403 material is not a listed hazardous waste, nor does it exhibit a characteristic of a Hazardous Waste (see MSDS sheets). It appears that the primary characteristic of this material is its ability to absorb or contain petroleum distillates. No statement in the information provided to the Department indicates that a chemical reaction comparable to treatment occurs during the application of EB 403, which is further evidenced by the retained BTU content of the material being absorbed. No destruction of any oil appears to occur or is claimed to be taking place, rather simple absorption.

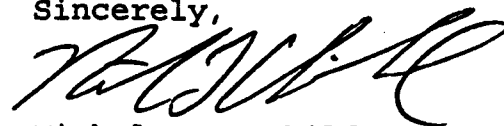
Spent absorbents generated as a result of performing a response action at a 21E release site, may be transported from the disposal site in accordance with the Bill of Lading provisions contained at 310 CMR 40.0035, to a facility properly permitted, licensed or approved to accept such materials. Obviously, absorbent materials in general are not physically suitable for recycling into asphalt, nor appropriate for use as daily cover at lined landfills. Specifically, due to an absorbent's physical ability to retain the BTU content of oil, DEP Policy #WSC-94-400 (Interim Remediation Waste Management Policy for Petroleum Contaminated Soils) provides for taking absorbent materials to energy recovery facilities such as a municipal incinerator, or a trash to energy facility for destruction. As always, the generator, LSP, and facility must make sure that the acceptance of such materials is within the facility operating permit requirements and conditions.

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If you have any further questions, please feel free to contact me directly at the letterhead address or at (508) 792- 7653 x 3847.

Sincerely,



Nicholas J. Child
Branch Chief
Emergency Response

NJC/njc

cc: Robert Donovan, ER BWSC Boston
Brian Moran, PPD BWSC Boston
Robert Huang, IT BWSC Boston

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