

**From:** John J. Duclos  
**To:** DES.Commissioner's Office.COJMM, WMJWB, WMK..., WMK...  
**Date:** 2/5/99 9:15am  
**Subject:** NCES Bethlehem Leachate Exceeding State Mixture Rule-MID COURSE RESUL

Mike-

I agree with your options. We can expand the one tank scenario, and add the fifth tank concept if the engineering works better.

I also looked into the generator situation at NCES. NCES received a provisional EPA ID# on 12/4/98 which is good for 30 days. However, given that NCES did not submit a notification form, this number is inactive. One manifest was located with the waste shipped to Connecticut on 1/26/99. The manifest did not use a NH waste code of NH11 which is needed for the Reporting Section to charge the hazardous waste fee.

Kevin is currently drafting an appropriate letter for Phil's signature.

As a general reminder, E-mail is discoverable.

Thanks. -Duke

>>> Michael A. Sills 02/04/99 04:38pm >>>  
Folks,

Based on the results of today's meeting on the subject issue

Based on the results of today's meeting I have memorialized below the hazardous waste management options available to MSW Landfill including ASH) Owner/Operators (O/O) who have leachate that may or actually has been defined as a hazardous waste in New Hampshire. This discussion applies to all leachates prior to discharge to a POTW (including the upstream sewer) at which point such leachate would be excluded from federal and state hazardous waste definitions. Also because it seemed advisable for Phil to sign the response letter I am copying him on this E-mail.

A. The major response to the request to waive the actual state mixture rule definition for landfill leachates is "no". The Department can not waive a hazardous waste definition in New Hampshire. Definitions can only be changed through a rule making process.

B. If a MSW landfill leachate is subject to either a state or federal hazardous waste definition what "management" options exist to sample or once defined, actually manage, a hazardous waste leachate in New Hampshire. The four major options are given below:

1. The generator can obtain a waiver to state-only definitions for transporter and manifest (the POTW operator signs). The allow the use of septage haulers.

2. To be able to obtain maximum dilution from existing tankage they must

be tied together by pipes similar gravity flow appurtenances. This configuration must yield one combined tank volume for the purposes of sampling and 'point of generation'.

3. If it is desired to obtain mixing and dilution between individual tanks that are not tied together as in #2 above then the O/O can obtain a Limited Hazardous Waste Permit for mixing and diluting and possibly a further waiver from some of the unnecessary permit requirements.

4. The O/O can "petition" to exclude landfill leachate from regulation under the state hazardous waste mixture rule. This is probably the hardest route to take.

Please confirm our meeting's results above so we can begin drafting an appropriate response letter to NCES. Also this response would be universal for ALL MSW (and MSW ASH) Landfills in New Hampshire.

Thanks,

Mike Sills, 2/4/99

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