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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

June 15, 2007

Mr. Dan Parker
Immediate Response Spill Technologies
11760 Commonwealth Drive
Louisville, KY 40299

Re: Disposal of Solidified Hydrocarbons
Mail Log Number 7249

Dear Mr. Parker:

The Industrial and Hazardous Waste Permits Section of the Texas Commission on Environmental Quality (TCEQ) has received your recent letter requesting clarification on the disposal of what are referred to as "solidified hydrocarbons". According to the information in your letter and in an E-mail of June 12, 2007 to Mr. Jesse Boultinghouse of my staff:

- Immediate Response Spill Technologies (IRST) manufactures products utilized in hydrocarbon spill responses that employ a proprietary blend of food grade polymers marketed under the trade name of "CIAgent";
- CIAgent is a dry granular material specifically designed to immobilize petroleum based liquid spills of gasoline, diesel fuel, and refined motor oil by coagulating and bonding the hydrocarbon liquid by what is referred to as "irreversible microencapsulation";
- The typical sources of the spills will be various types of ships and boats (e.g., tug boats, cargo ships, pleasure boats, work boats, and the like);
- Once solidified, the hydrocarbons will not be a hazardous waste; and
- IRST wishes to get clarification from the TCEQ regarding the disposal of the solidified hydrocarbons in municipal landfills in amounts of less than five gallons.

Mr. Dan Parker
Page 2
June 15, 2007

Based on consultation with the Municipal Solid Waste Section (MSWS) of the TCEQ please be informed that the aforementioned solidified hydrocarbons can be disposed of in Texas municipal landfills, but in most cases, will be required to do so as what is known as a "special waste"¹. For your convenience, I have enclosed with this letter both an excerpt from the TCEQ website that deals with special waste² and a copy of the form used to request the disposal of a waste as a "special waste".

If you have questions about special waste disposal, please contact the MSWS at (512) 239-2334. If you have any questions regarding this letter, please contact Mr. Boultinghouse at (512) 239-6412.

Sincerely,

M. Scott Green

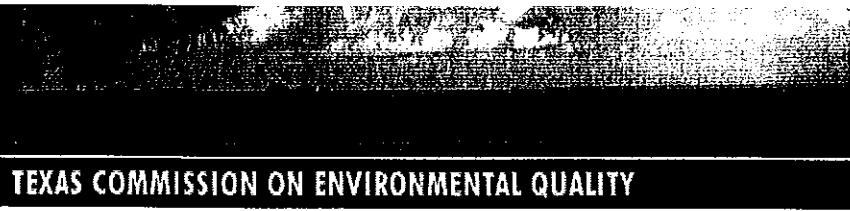
Scott Green, Project Manager
Industrial and Hazardous Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

MSG/JKB/fp

Enclosures

¹ The term "special waste" is defined in 30 Texas Administrative Code (TAC) Chapter 330, specifically Section 335.3(148).

² The TCEQ website address is: WWW.TCEQ.STATE.TX.US.



TCEQ TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

SITE SEARCH:

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SUBJECT INDEX

- › [Air](#) › [Water](#) › [Waste](#)
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mswper@tceq.state.tx.us

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Site Navigation

- [Rules, Policy & Legislation](#)
- [Permits, Licenses & Registrations](#)
- [Compliance, Enforcement & Cleanups](#)
- [Drinking Water & Water Availability](#)
- [Reporting](#)
- [Environmental Quality](#)
- [Assistance, Education & Participation](#)
- [Pollution Prevention & Recycling](#)
- [Contracts, Funding & Fees](#)
- [TCEQ Home](#)
- [About TCEQ](#)
- [Contact Us](#)

BACK TO: [Municipal Solid Waste](#)

Special Waste Disposal

- [What Is Special Waste?](#)
- [Special Waste Transportation](#)
- [Special Waste Disposal](#)

What Is Special Waste?

Special waste is a waste that requires special handling, trained people, and/or special disposal methods. A waste may be a special waste because of its quantity, concentration, or physical, chemical, or biological characteristics. Examples of special waste include Class I industrial nonhazardous waste, some medical wastes, grease and grit trap wastes, dead animals, bulk expired or contaminated foodstuffs and/or drugs, discarded asbestos, spill clean-up wastes, special wastes associated with development of oil, gas, and geothermal resources, waste generated outside the boundaries of Texas, and any other waste stream determined by the TCEQ to be a special waste (see 30 TAC §330.3(148)).

For more information on asbestos abatement and handling, contact the Texas Department of State Health Services, [Asbestos Programs Branch](#) [Exit](#).

Have you had contact with the TCEQ lately? Complete our [Customer Satisfaction Survey](#).

Special Waste Transportation

Some special wastes may require special handling, packaging, transportation by a registered transporter, and/or manifesting. More information on waste transportation is available in the following guides and web pages:

- [Transporting Waste in Texas — A Guide to Regulations](#)
- [Sludge Transport](#)

Special Waste Disposal

Authorization for a municipal solid waste (MSW) landfill to accept special waste may be granted cases-by-case in accordance with 30 TAC §330.171 and §330.173, or may established for a landfill by an explicit waste acceptance plan (WAP) prepared in accordance with §330.61(b). Wastes not included in a WAP may be considered for disposal at a municipal landfill if a request and supporting documentation are submitted to the TCEQ for technical review, and the request granted. Some special wastes, identified in §330.171(c) and (d), do not require prior written authorization to be accepted.

Special wastes that are Class 1 industrial nonhazardous wastes,

or are "Class-1-like" (except wastes that are designated Class 1 only because of asbestos content) may be accepted at a Type I MSW landfill, but must be disposed in a dedicated Class 1 industrial waste trench that complies with 30 TAC 330.331 (e). Class 1 industrial waste must also be manifested.

Information for generators of special waste:

To obtain authorization, complete and submit the following form to the TCEQ with supporting documentation:

- [Request for Authorization for Disposal of a Special Waste \(Form TCEQ-0152, in PDF\)](#)
- See also [Special Waste Authorization Form Checklist \(in PDF, in WordPerfect\)](#).

Information for landfills accepting special waste:

- [Waste Acceptance Plan Checklist \(in PDF, in WordPerfect\)](#)

When deciding where to send your waste for disposal, first contact the landfill you are considering. If the landfill is unable to accept the waste, contact the TCEQ Waste Permits Division, MSW Permits Section, or the nearest TCEQ regional office for additional information on disposal options.

Note: The land disposal of lead-acid batteries and used oil filters is prohibited.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Request for Authorization for Disposal of a Special Waste

This form must be used to request authorization to dispose of a special waste in a municipal solid waste (MSW) landfill. Please complete this form and return to: Mail Code 124, MSW Permits Section, Waste Permits Division, TCEQ, P.O. Box 13087, Austin, TX 78711-3087, or fax to (512) 239-6000. Please contact the MSW Permits Section at (512) 239-2334, if you have any questions regarding this form.

A: GENERAL INFORMATION		
Generator Name: _____		
Generator Mailing Address: _____	City: _____	State: _____ Zip: _____
Generating Site Location: _____		
Generator Contact: _____	Phone No. _____	Fax No. _____
Representative Mailing Address: _____	Phone No. _____	Fax No. _____
Description of Waste (attach available analytical results including sample documentation, quality control data for each analysis, and chain of custody, material safety data sheets, and/or process knowledge used to characterize the waste): _____ _____		
Description of Process Generating the Waste: _____		
Volume of Waste: _____		
Texas Registration No. _____ <i>(for industrial generators only; also provide waste code no.)</i>	Texas Waste Code No.: _____ <i>(for industrial generators only; also provide registration no.)</i>	
Requested Destination of Waste (municipal solid waste landfill name): _____		
Landfill Permit No.: _____	Landfill Address: _____	Landfill Phone No.: ____/____-____
B: WASTE COMPOSITION:		Physical Characteristic(s) of Waste(s): [] Solid [] Semi-solid [] Powder [] Liquid
Material: _____	Proportion of Waste (%): _____	
_____	_____	Free Liquid? [] Yes [] No
_____	_____	
_____	_____	
100% (total must be 100%)		
C. GENERATOR / REPRESENTATIVE CERTIFICATION:		
I certify that the above information is correct and complete to the best of my knowledge, and that the waste is not hazardous as defined in 40 CFR Part 261.		
I, _____, am employed by _____, and am authorized to sign this request for:		
NAME (please print)	COMPANY NAME	
_____	_____	
COMPANY NAME	SIGNATURE	DATE

TCEQ USE ONLY	
Constituent(s) of Concern: _____	[] Approved [] Disapproved
Comments: _____	Reviewed by: _____ SIGNATURE, TITLE, AND DATE
	Approved by: _____ SIGNATURE, TITLE, AND DATE

Instructions for completing Form TCEQ-0152
Request for Authorization for Disposal of a Special Waste

Generators must complete and submit form TCEQ-0152 to request authorization to dispose of a special waste in a municipal solid waste (MSW) landfill. Indicate "not applicable" or "N/A" for items that are not applicable to the request.

A. General Information

Generator Name – The name of the generator or facility that generated the waste for which the request is submitted. (In some cases a "Broker" will be identified as the generator. A "Broker" is a company in Texas that assists a company in Mexico.)

Generator Mailing Address – The mailing address of the site at which the waste was generated.

Generating Site Location – The physical address or location of the site at which the waste was generated.

Generator Contact – Name of the person employed by or representing the generating facility. Telephone and fax numbers should be included.

Representative Mailing Address – Address of the person submitting the request (if different from generator, e.g., Broker, Consultant). Telephone and fax numbers should be included.

Description of Waste – Brief description of the waste for which the request is submitted. Description should include the material, contaminants, and source of contamination. Attach available chemical analysis results including sample documentation, quality control data for each analysis, and chain of custody, material safety data sheets, and/or any process knowledge used to characterize the waste.

Description of Process Generating the Waste – A brief description of the process that caused the material to become a waste.

Volume of Waste – Indicate the volume of waste to be disposed in cubic yards, and disposal frequency (one-time, weekly, monthly, or annual shipment).

Texas Registration Number – For information regarding Texas Registration Numbers, contact the Registration and Reporting Section at (512) 239-6413.

Texas Waste Code – For information regarding Texas Waste Code, contact the Registration and Reporting Section at (512) 239-6413.

Requested Destination of Waste – The requestor must specify the municipal solid waste (MSW) landfill name, permit number, address, and telephone number (with area code).

B. Waste Composition

Percentage of Materials Comprising the Waste – List the materials that make up the waste, and their proportions.

Physical Characteristic(s) of Waste(s) – Indicate whether solid, semi-solid, powder, or liquid, or a combination.

Free Liquid? – Indicate whether the waste contains free liquids (free liquids are prohibited from landfill disposal).

C. Generator/Representative Certification

Requestor **MUST** sign and date the form before submittal to the TCEQ.