2. BATTERIES

The 1991 legislative session passed House of Representatives Bill No. 122 as amended by the Senate which created a new chapter in Title 39 Idaho Code designated as Chapter 70: Sale and Disposal of Batteries. The provisions of this chapter apply to any lead-acid battery with "a capacity of six or more volts which is suitable for use in farm equipment, construction equipment, a motor vehicle or a boat." Batteries for motorcycles, off-road recreation vehicles or lawn and garden equipment are exempt from the purchase fees but do not appear to be exempt from the disposal ban. The disposal ban effective date was July 1, 1991.

POLICY OF THE CLAY PEAK LANDFILL

All six volt or greater "lead-acid batteries" will be banned from disposal in the landfill and will not knowingly be accepted at the landfill from private or commercial enterprises. All six volt or greater "lead-acid batteries" discovered during random inspections of wastes loads as discussed under the HAZARDOUS WASTE EXCLUSION section of this manual will be segregated from the waste during routine operations and temporarily stored at the hazardous material impound facility until proper disposal may be arranged.

The County will maintain a battery drop-off container for public use. Batteries will be held until an approved recycler can pick up the batteries.

3. PETROLEUM-CONTAMINATED SOIL

Petroleum-contaminated soil (PCS) may result from the cleanup of a leaking underground storage tank (UST) or soil contaminated due to an accidental release. Soil which has been contaminated with petroleum generally has contaminates in significant concentrations and could potentially be classified a hazardous waste under criteria of 40 CFR 261.24, Toxicity Characteristic (TC) Table 1. To avoid classifying media and debris contaminated by UST releases as a hazardous waste, the EPA has proposed in the February 12, 1992 Federal Register, Part VII, 40 CFR Part 261, "Exemption of Petroleum-Contaminated Media and Debris From Underground Storage Tanks From RCRA Hazardous Waste Requirements; Proposed Rule" to maintain the temporary deferral allowed under 40 CFR 261.4(b)(10). This section states "(b) Solid waste which are not hazardous wastes. The following solid wastes are not hazardous wastes: ... (10) Petroleum-

contaminated media and debris that fail the test for the Toxicity Characteristic of section 261.24 (Hazardous Waste Codes D018 through D043 only) and are subject to the corrective action regulations under part 280 of this chapter.". See the table at the end of this section for the remaining TC constituents which are not exempted from TC testing of fuel contaminated soils.

POLICY OF THE CLAY PEAK LANDFILL

The County will accept, on a case-by-case basis, petroleum-contaminated soil from UST cleanup sites, spill recovery areas, and construction sites with Total Petroleum Hydrocarbon (TPH) concentrations <25,000 parts per million (ppm)[3]. The contaminated soil must qualify as a non-hazardous waste under the exemption of 40 CFR 261.4(b)(10). The following procedure has been designed to apply to most contaminated petroleum soil cases[4]. Both the Payette County Clay Peak Landfill and Southwest Health District will individually review all incidents. The Southwest Health District's approval is required for acceptance of any petroleum-contaminated soil. This procedure is subject to change, without public notice, with approval of the Idaho Department of Environmental Quality (DEQ).

The procedure is as follows:

1. Prior notification by the Responsible Party must be given to both the Payette County - Clay Peak Landfill and Southwest Health District before consideration will be given on how or if this material will be handled at the landfill. Responsible Parties are advised to immediately comply with EPA guidance[5] to prevent further cross-contamination and therefore limit clean-up project costs.

2. Upon receiving notification from the Responsible Party, both the Payette County - Clay Peak Landfill and Southwest Health District will review the material for conditions under which the contaminated soil cannot be accepted. Unacceptable wastes will be referred to the Idaho Department of Environmental Quality for advice and disposal

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3 Idaho Department of Environmental Quality, "Procedures for Land Treatment of Petroleum Contaminated Soils," Information Series #7, Petroleum Pollution Prevention & Remediation, May 2002. p.7.

4 American Society for Testing and Materials (ASTM) *"Guide for Remediation by Natural Attenuation at Petroleum Release Sites (E1943-98)"*. Copies of this standard may be purchased through ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, telephone 610 832-9585, Web site www.astm.org.

5 U.S. EPA, "Best Management Practices (BMPs) for Soils Treatment Technologies, Suggested Operational Guidelines to Prevent Cross-Media Transfer of Contaminants During Cleanup Activities", p.11. EPA530-R-97-007, May 1997.

recommendations. These unacceptable conditions include, but are not limited to:

a. The petroleum-contaminated soil contains a RCRA listed hazardous material not exempted by 40 CFR 261.4. (See the following EPA table "Maximum Concentration of Contaminants for Toxicity Characteristics".) Of particular concern in diesel or gasoline contaminated soils is benzene. Composite samples containing more than 0.5 mg/L of benzene are considered a hazardous waste and cannot be accepted at Clay Peak Landfill.

b. The petroleum-contaminated soil poses a health and/or safety risk to Clay Peak personnel.

c. The petroleum-contaminated soil contains free product or is in a slurry form.

Maximum Concentration of Contaminants for the Toxicity Characteristic

EPA HW No. \1\	Contaminant	CAS No. \2\	Regulatory Level (mg/L)
D004	Arsenic	7440-38-2	5.0
D005	Barium	7440-39-3	100.0
D018	Benzene	71-43-2	0.5
D006	Cadmium	7440-43-9	1.0
D019	Carbon tetrachloride	56-23-5	0.5
D020	Chlordane	57-74-9	0.03
D021	Chlorobenzene	108-90-7	100.0
D022	Chloroform	67-66-3	6.0
D007	Chromium	7440-47-3	5.0
D023	o-Cresol	95-48-7	\4\ 200.0
D024	m-Cresol	108-39-4	\4\ 200.0
D025	p-Cresol	106-44-5	\4\ 200.0
D026	Cresol	.....	\4\ 200.0
D016	2,4-D	94-75-7	10.0
D027	1,4-Dichlorobenzene	106-46-7	7.5
D028	1,2-Dichloroethane	107-06-2	0.5
D029	1,1-Dichloroethylene	75-35-4	0.7
D030	2,4-Dinitrotoluene	121-14-2	\3\ 0.13
D012	Endrin	72-20-8	0.02
D031	Heptachlor (and its epoxide).	76-44-8	0.008
D032	Hexachlorobenzene	118-74-1	\3\ 0.13
D033	Hexachlorobutadiene	87-68-3	0.5
D034	Hexachloroethane	67-72-1	3.0
D008	Lead	7439-92-1	5.0
D013	Lindane	58-89-9	0.4
D009	Mercury	7439-97-6	0.2
D014	Methoxychlor	72-43-5	10.0
D035	Methyl ethyl ketone	78-93-3	200.0
D036	Nitrobenzene	98-95-3	2.0
D037	Pentrachlorophenol	87-86-5	100.0
D038	Pyridine	110-86-1	\3\ 5.0
D010	Selenium	7782-49-2	1.0
D011	Silver	7440-22-4	5.0
D039	Tetrachloroethylene	127-18-4	0.7
D015	Toxaphene	8001-35-2	0.5
D040	Trichloroethylene	79-01-6	0.5
D041	2,4,5-Trichlorophenol	95-95-4	400.0
D042	2,4,6-Trichlorophenol	88-06-2	2.0
D017	2,4,5-TP (Silvex)	93-72-1	1.0
D043	Vinyl chloride	75-01-4	0.2

\1\ Hazardous waste number.\2\ Chemical abstracts service number.\3\ Quantitation limit is greater than the calculated regulatory level. The quantitation limit therefore becomes the regulatory level.\4\ If o-, m-, and p-Cresol concentrations cannot be differentiated, the total cresol (D026) concentration is used. The regulatory level of total cresol is 200 mg/l.[6]

3. Due to the health hazards associated with handling gasoline and diesel contaminated soils, all petroleum-contaminated soils will be analyzed for Total Petroleum Hydrocarbons (TPH) and all applicable constituents of the Toxicity Characteristic (TC) test, prior to being accepted for final disposal at the Clay Peak Landfill.

6 Code of Federal Regulations, Title 40, Volume 22,[Revised as of July 1, 2002], From the U.S. Government Printing Office via GPO Access[CITE: 40CFR261.24]

4. All samples will be analyzed in a laboratory approved by the State of Idaho's Department of Environmental Quality. Field samples done with Hydrocarbon Vapor Measuring Equipment (HNU, OVA, etc.) will not be accepted. Approved EPA or State analytical laboratory methods for testing TPH and TC must be followed. The amount of sampling required will be determined on a case-by-case basis upon review by the Payette County Clay Peak Landfill and Southwest Health District. The burden of proof, stating a material is acceptable for final disposal, will fall on the generator of the waste material.

5. The suggested guidance provided by the Idaho DEQ[7] will be followed concerning ground slope, setbacks from the edge of the treatment area, and contaminated soil thickness. Petroleum-contaminated soils will not be spread over snow or extremely muddy soil at the Landfill. Such practice could promote the run-off of constituents of concern, rather than volatilization. Payette County has a semi-arid climate that promotes the volatilization of VOCs during most of the year. It will be the judgment of the Clay Peak Landfill director whether to accept petroleum-contaminated soils during November through May.

6. The Payette County Clay Peak Landfill and the Southwest Health District will require a recognized professional, in the field of treating petroleum-contaminated soils to provide documentation stating that the petroleum-contaminated soil meets the requirements for final disposal. Because of the range of factors that may affect the contaminated site, no single set of qualifications can be specified. If there is uncertainty, the services of a Professional Geologist (P.G.), Professional Engineer (P.E.), or a professional with expertise in environmental chemistry should be obtained.

7. Soils, which do not contain constituent levels in excess of regulatory limits of an applicable TC level and with TPH contamination levels, will be accepted for direct disposal at the Clay Peak facility.

8. The owner of the wastes will be responsible for all expenses associated with treatment, testing and storage of the treated waste. Treatment charges will be determined on a case-by-case basis. The waste will be considered fully remedied when the surface application treatment has

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7 Idaho Department of Environmental Quality, "Procedures for Land Treatment of Petroleum Contaminated Soils," Information Series #7, Petroleum Pollution Prevention & Remediation, May 2002., pp. 5-7.

reduced the contaminant levels to the Tier 0 clean up levels described in the Idaho Risk-Based Corrective Action (RBCA) requirements[8].

This policy only pertains to gasoline, oil and diesel contaminated soils and under no circumstances can this policy be adapted to other hazardous substances.

8 Table 3-1, "Idaho Department of Environmental Quality Risk-Based Corrective Action Guidance Document for Petroleum Releases", August 1996.

Policy on Rates for Disposal of PETROLEUM-CONTAMINATED SOILS

Clay Peak Sanitary Landfill accepts petroleum-contaminated soil (PCS) at the landfill for final disposal. Interim treatment shall be required for final disposal. Interim treatment shall be required for PCS exceeding the concentrations listed in the Operation and Maintenance Manual. Accordingly, the rates for special handling and treatment prior to disposal shall be set as follows.

	Cost for waste generated within Payette County[1]	Cost for waste generated outside Payette County[1]
Base Rate	$17.25 / ton	$ 25.00 / ton
Treatment * per Acre: One acre Minimum	$ 1,250 / year	$ 1,400 / year
Laboratory Testing billed direct to Owner	$ Direct Cost	$ Direct Cost

1. See revised fees in appendix. Fee schedule is revised as needed by County Commissioners.

Treatment is defined as a) initial leveling and grading to a maximum of one foot thickness; b) turn PCS at six month intervals as required to allow aeration process to reduce volatiles; and c) test* annually to determine concentration.
When soil testing results show less than or equal to the Idaho DEQ Tier 0 Soil Cleanup Levels[9] concentration, the Owner shall be notified and treatment shall cease. (The Tier 0 Levels are considered by DEQ to be the "no further action required" levels for soil contaminates at a location under consideration for contamination clean up.)

9 Table 3-1, "Idaho Department of Environmental Quality Risk-Based Corrective Action Guidance Document for Petroleum Releases", August 1996.

Idaho DEQ Tier 0 Soil Cleanup Levels[10]

Chemical	Concentration (mg/Kg)
Benzene	0.06
Toluene	5.4
Ethylbezene	10
Total Xylenes	7
Ethylene DiBromide	0.001
1,2-Dichloroethane	0.014
Methyl Tert-Butyl Ether	0.6
Polycyclic Aromatic Hydrocarbons (PAH)	
Acenapthene	11.2
Anthracene	0.8
Benzo(a)pyrene	0.12
Benzo(b)fluoranthene	4.4
Benzo(a)anthracene	1.22
Benzo(g,h,i)perylene	0.4
Chrysene	0.5
Fluorene	8.7
Fluoranthene	9.0
Napthalene	5.5
Phenanthrene	15.0
Pyrene	10

10 Ibid. Table 3-1