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Sump, Pit, Trench, and Trap Wastes: Hazardous Waste Determinations

Many locations have devices designed to collect debris and dirt before it enters a sanitary sewer system. Some examples of these devices range from simple trench drains in a work bay floor to large concrete basins in wash bays that collect sand and grit either separately or as part of an oil-water separator. These are often called mud traps. Other devices might be underground oil-water separators that need to have accumulated solids removed periodically. More devices might be clay traps or interceptors used to keep heavy solids or grease from entering the sewer system. The one thing all these types of devices have in common is that they periodically require cleaning and the cleaning generates a waste. The sand, grit, dirt, liquids, and sludge removed from sumps, pits, trenches, and traps are considered waste. This document will refer to all the various types of collection sumps, pits, trenches, and traps as “sumps.” Sump waste can’t just be de-watered or dried and sent to a landfill without first determining if the waste is a hazardous waste.

Rules & Regulations:

[Title 128, Nebraska Hazardous Waste Regulations](#), requires a person who generates a solid waste to determine if that waste is a hazardous waste (Title 128, Chapter 4, §002). A “solid” waste can be liquid, semi-viscous, or solid. Owners or operators of facilities where collection sumps are in operation must be able to demonstrate they have adequately determined if the contents of the sump(s) are hazardous waste prior to shipping the waste off-site for disposal or storing it prior to disposal.

Are You Affected by This Requirement?

Businesses:

Wastes generated by small and large businesses are regulated under the hazardous waste regulations. This applies to farms, ranches, non-profit businesses, hospitals, and even churches. Businesses may qualify as Conditionally Exempt Small Quantity Generators (CESQG), Small Quantity Generator (SQG), or as a Large Quantity Generator (LQG) depending on the amount and type of waste(s) they produce.

Governments & Communities:

Wastes generated by all types of government entities are regulated by the hazardous waste regulations. Non-government organizations are also fully regulated. Like businesses, Governments, communities and non-government organizations may also qualify as CESQG, SQG or LQG depending on the volume and type of waste produced.

Households:

Wastes from households are **not** subject to the hazardous waste regulations and may be disposed of via their local waste handler to a municipal solid waste landfill. Sump waste generated from a household only includes that waste directly associated with normal household operations.

How to Determine if Your Waste is Hazardous

- Title 128, Chapter 4 allows this determination to be made by chemical analysis of a representative sample of the waste or by applying knowledge of the waste in light of the materials or processes used. The latter is sometimes called using “generator knowledge.” If generator knowledge is used, the knowledge must be accurate. See NDEE Environmental Guidance Document “Waste Determinations & Hazardous Waste Testing” for a more detailed discussion on this subject. The document can be found on the NDEE web site.
- Facilities that limit the type of use or access to the sump might be able to show that no hazardous constituents or wastes are used in the processes that drain to the sump thereby establishing the sump contains no hazardous waste.
 - An example of such a situation is the sand traps commonly used in public car washes. Many public car washes limit the types of vehicles washed in these facilities. Once the sump waste from the car wash has been tested and found to be non-hazardous, then the operator can continue to use that test as valid generator knowledge of the waste so long as the conditions remain essentially the same. “Essentially the same” includes, but is not limited to, conditions such as using the same detergents, maintaining the same mix and types of vehicles, and maintaining the same sump-cleaning interval. Operators should seriously consider retesting their sump waste if any conditions change significantly.
 - A public truck wash, however, would not normally be able to adequately demonstrate that the sump waste is from very similar vehicles and would be required to test its sump waste each time generated. Note: Truck wash waste can easily be contaminated with more than just road grime – vehicles can be contaminated with the products they either carry or with waste picked up at industrial sites.

Testing

- Chemical analysis or physical testing is generally used for the determination of hazardous waste characteristics including the following:
 - Flash point to determine ignitability
 - pH to determine corrosivity
 - Toxicity Characteristic Leaching Procedure (TCLP) to determine any of 40 toxicity characteristics
 - Characteristics of Hazardous Waste can be found in Title 128, Chapter 3, §007-010.
- Test for those characteristics that could reasonably be expected to be present in your sump waste. For example, if you clean herbicide application related machinery like tractors at an implement dealer, then you should test for 2,4-D, a common toxicity characteristic pesticide. If you routinely wash the undersides of vehicles, there is a reasonable expectation that metals such as chromium, cadmium, or lead could be present in the sump waste.

- Preliminary screening tests (i.e., total metals rather than the TCLP metals), which tend to be less expensive, might be able to be used as part of the determination. If, however, the results reveal concentrations of total metals to be in excess of the Title 128, Chapter 3, Table 3 levels, additional samples and analyses for the TCLP level of the specific metal(s) involved might be necessary to conclusively determine if the sump waste is hazardous. See the NDEE Environmental Guidance Document, “Waste Determinations & Hazardous Waste Testing,” for a full explanation of hazardous waste testing.
- How often you test your sump waste will depend on factors such as use, access, design, hazardous materials in use, etc. See the NDEE Environmental Guidance Document, “Waste Determinations & Hazardous Waste Testing,” for a discussion on testing intervals.

Where to Dispose Your Sump Waste

- If any of the analyses show your sump waste to be a hazardous waste, it must be disposed in accordance with Title 128 regulations. The hazardous waste regulations that will apply to you will depend on the amount of total hazardous waste your facility generates in a calendar month. See the NDEE Environmental Fact Sheet, “Comparison of Hazardous Waste Generator Requirements,” for more information.
 - A Conditionally Exempt Small Quantity Generator is allowed to send its CESQG hazardous waste to a municipal solid waste landfill. Note that any landfill or local authority can restrict CESQG waste. Always coordinate with the landfill prior to sending any CESQG waste. Nebraska landfills are not allowed to accept over 43 pounds of CESQG hazardous waste from a generator per day. The sump waste must contain no free liquids.
 - A Small Quantity Generator (SQG) or a Large Quantity Generator (LQG) may not send any of its hazardous wastes to a municipal solid waste landfill. SQG or LQG hazardous sump waste must be disposed to a permitted hazardous waste facility using a hazardous waste transporter and a hazardous waste manifest. See the NDEE “Hazardous Waste Service Providers Directory” for information on hazardous waste transporters, brokers, and permitted facilities.
 - SQGs and LQGs must keep their analytical results for three years from the date the waste was last generated and disposed. If you claim your waste passed a TCLP, you must have a copy of the supporting analysis even though the test might be several years old. NDEE recommends these records be kept indefinitely.
 - Generally, the passive evaporation of hazardous sump waste containing free liquid would be considered impermissible treatment.
- If any of the analyses shows your sump waste to be a non-hazardous waste, it does not need to meet any hazardous waste management requirements.
 - Non-hazardous sump waste may be disposed to a municipal solid waste landfill.
 - No free liquids are allowed to be accepted at landfills. If your non-hazardous sump waste has free liquid, it should be dried or de-watered prior to disposal. The test to determine if your non-hazardous sump waste has free liquid is called the “paint filter test.” Most landfills will require this test if there is any question about your waste containing liquid. Most labs can perform this inexpensive test. Ask for SW-846, Method 9095.

Uncontaminated, non-hazardous sump waste might be able to be used as Fill (Title 132, Integrated Solid Waste Management Regulations, Chapter 1, §041 and Chapter 2, §002.01A). Since it is very unlikely that non-hazardous sump waste would also be free of other contaminants, this option can only rarely be used.

- Some non-hazardous sump waste can be pumped and subsequently sent to the dump station at a wastewater treatment plant, sometimes called a Publicly Owned Treatment Works (POTW). Nebraska POTWs cannot accept hazardous waste, so expect to be asked for analytical proof your sump waste is not hazardous waste. Note: Almost all POTWs restrict oils & greases. A common limit is 100 parts per million oils and greases. Always coordinate with the receiving POTW prior to transport.

RESOURCES:

Useful Websites:

- NDEE home page - <http://dee.ne.gov/>

NDEE Publications*:

- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)
- Environmental Fact Sheet – Comparison of Hazardous Waste Generator Requirements
- Environmental Guidance Document – Waste Determinations & Hazardous Waste Testing
- NDEE Report – Waste Service Providers Directory

Contacts:

- NDEE Hazardous Waste Compliance Assistance (402) 471-8308
- NDEE Waste Management Section (402) 471-4210
- NDEE Toll Free Number (877) 253-2603

**These are available on the NDEE website or by calling the NDEE Waste Management Section.*

The NDEE wishes to thank the Idaho Department of Environment and Energy for allowing us to use portions of their RCRA Series Document, “The Key to Managing Your Sump Waste: Determining if it’s Hazardous.”

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