

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

APRIL 16, 1991

MEMORANDUM

SUBJECT: LDR Applicability for Investigative Derived Waste

FROM: Caroline H. Wehling
Attorney
Solid Waste and Emergency
Response Division (LE-1320)

TO: Steven C. Golian
Chief
Remedial Guidance Section (OS-220)

This is in response to your request for guidance on compliance with land disposal restrictions for investigative-derived wastes which are temporarily stored in drums within an AOC pending response selection. Specifically, you have asked whether a drum is in itself a RCRA "unit" such that, if waste removed from the drum, it must meet LDR requirements prior to redeposition in the AOC.

I agree that, in certain circumstances, the placement of hazardous waste from an AOC into a drum within the AOC, followed by replacement in the AOC would not constitute "land disposal" for RCRA purposes. For RCRA regulatory purposes, "land disposal" is the placement of waste into a land disposal unit (such as an AOC). Land disposal of hazardous wastes is subject to the pretreatment requirements of the LDR program. Movement of hazardous waste from a storage unit (such as a tank or container storage area) into a land disposal unit constitutes "land disposal" of hazardous waste.

As we have discussed, a drum is not in itself a RCRA unit. See 40 CFR 260.10 (definition of "hazardous waste management unit"). However, drums and the land on which drums are placed may constitute a RCRA storage unit, specifically a "container storage area". Thus, if the drum storage you described involved the placement of hazardous waste into drums within a separate storage or treatment area, either on land within the AOC or on a pad, the removal of waste and replacement into the AOC could constitute land disposal. On the other hand, EPA does not generally consider drums placed within landfill to form "container storage areas". Thus, if waste is placed into drums which remain within the AOC and which are not placed into a separate storage or treatment area, such placement would not be considered a unit distinct from the landfill itself. As a result, removal of waste from the drums and redeposition within the landfill would not constitute land disposal.

Please call me if you have any additional questions about this. I can be reached at FTS 382-7720.

Cc: Tina Kanecn, OGC
Larry Starfield, OGC
George Hyoth, OGC
John Hollister, OERR
Dave Fagan, OSW