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REGULATION OF LANDFILL GAS CONDENSATE

H. Lanier Hickman
Executive Director
GRCDA
P.O. Box 7219
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Dear Lanny:

In your letter of November 6, 1984, and our subsequent meeting on November 27, 1984, you requested our interpretation of the impact of the RCRA regulations on landfill gas condensate. This letter reflects our discussion and summarizes our position on this issue. As you recall, we did review this issue for you in some detail and presented our interpretation at your landfill gas symposium last April.

I think the re-cap of this issue can best be stated by looking at the several landfill scenarios can apply -- household waste only, normal municipal waste, undefined (but not listed) hazardous waste, or listed hazardous waste (including any mixtures of other wastes and listed hazardous waste). The household waste exclusion applies through its entire management cycle, from collection through final disposition including treatment and resultant residues. Landfill gas condensate derived from a fill that contains household waste exclusively is not a hazardous waste.

Condensate derived from landfill gas processing from a fill that contains municipal waste or undefined (not listed) hazardous waste is a hazardous waste only if it exhibits one or more of the characteristics of hazardous waste (i.e., ignitability, corrosivity, reactivity, or extraction procedure toxicity). On the other hand, condensate derived from a landfill containing listed waste is always a hazardous waste, unless specifically excluded in response to a "delisting" petition. Of course, the other exemption-from-regulation provisions still apply -- those for small quantity generators and recycling.

This synthesizes the Federal position whether landfill gas

condensate is hazardous. As you know, RCRA is intended to be implemented through a State program. When a State has been given authority, its rules apply in lieu of the Federal regulations. You should, therefore, investigate the State controls in those States of interest to you. If you have any further questions please do not hesitate to call. Alan Corson (382-4770), or Ken Shuster (382-3345) can answer definitional or land disposal questions, respectively.

Very truly yours,

John H. Skinner
Director
Office of Solid Waste