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RCRA/SUPERFUND HOTLINE SUMMARY

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4. Land Disposal Restrictions: Point of Generation

Effective July 8, 1987, liquid hazardous wastes containing PCBs in concentrations greater than or equal to 50 ppm are restricted from land disposal (40 CFR 268.32(a)(2)). The July 8, 1987, Federal Register states that for the purpose of characterizing a waste as "restricted" the "initial generators are to determine if their hazardous wastes are prohibited at the point of generation." (52 FR 25766) This policy is reiterated in the August 17, 1988, Federal Register by stating "generators must determine whether their wastes are 'restricted' at the point of initial generation, i.e., when the waste is first considered a hazardous waste subject to RCRA regulation." (53 FR 31200)

An electrical transformer released oil onto a concrete containment pad. The oil contains PCBs at concentrations greater than 50 ppm. The spill response team used mineral spirits to loosen the oil from the concrete pad. When an absorbent was added to the oil/mineral spirit mixture and the entire mixture was removed from the concrete. Is this mixture subject to the land disposal regulations?

In this case a waste was generated when the transformer oil was released onto the concrete. In order for the oil to be a California list waste it must be a hazardous waste. The oil will not be subject to the land disposal restrictions regulations as a California list waste because typically it is not a hazardous waste (i.e., listed or characteristic). However, after the mineral spirits are used to loosen the oil from the concrete, the oil/mineral spirit mixture might meet the definition of a hazardous waste by exhibiting the characteristic of ignitability. Therefore, the generator must use the following criteria to determine if the oil/mineral spirit mixture is restricted from land disposal: (1) does the waste exhibit a characteristic (e.g., ignitability); (2) is it a liquid; and (3) does it contain PCBs in concentrations greater than or equal to 50 ppm? The waste must meet all three criteria to be deemed a restricted waste, specifically a California list waste per Section 268.32.

This particular California list waste has specific treatment standards per 40 CFR 268.42. The preamble to the July 8, 1987, Federal Register

states "where treatment standards are expressed as specified technologies, the Agency has stated in the November 7, 1986 final rule that such specified technologies must be employed. See e.g., 51 FR 40628. For example, in today's rule the California list wastes containing PCBs must be treated in accordance with the standards specified in Section 268.42 (i.e., thermal destruction in incinerators or high efficiency boilers) and may not be rendered non-liquid in order to avoid the Section 268 requirements." (52 FR 25766) In this case if the oil/mineral spirit mixture meets the three criteria the waste is still subject to the land disposal restrictions if the absorbent renders the waste non-liquid.

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