

9551.1994(02)

LAND DISPOSAL RESTRICTIONS WASTE IDENTIFICATION
REQUIREMENTS FOR ORGANIC HAZARDOUS WASTES

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

December 5, 1994

Mr. T. L. Nebrich, Jr., CHMM
Technical Director
Waste Technology Services, Inc.
640 Park Place
Niagara Falls, New York 14301

Dear Mr. Nebrich:

This letter responds to your letter dated October 12, 1994, in which you requested clarification of the land disposal restrictions (LDR) waste identification requirements for organic hazardous wastes displaying the toxicity characteristic (TC) that also are listed hazardous wastes. Specifically, you ask for clarification of what waste codes should be identified for an organic TC waste (D039 or D040) that is also a listed spent solvent waste (F001 or F002).

As you stated in your letter, the LDR regulations of 40 CFR 268.g(a) require that a generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste. The requirements of 268.9(b), however, state that if a listed waste is also a characteristic waste, the waste code for the listed waste would govern if the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. In the case of a listed F001 hazardous waste that also displays the TC for trichloroethylene (D040), only the F001 waste code would need to be identified for purposes of the LDR requirements, because there is a treatment standard for trichloroethylene in F001 spent solvent wastes. Furthermore, only the treatment standard for F001 would need to be met; there would be no requirement to also meet the treatment standard for D040 with its requirement of treating any underlying hazardous constituents reasonably expected to be present at the point of generation.

I hope that you find this information helpful. If you have additional questions, please contact Rhonda Craig of my staff at 703-308-8771.

Sincerely,

Michael Shapiro, Director
Office of Solid Waste

Attachment

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TECHNOLOGY SERVICES INC.
640 Park Place
Niagara Falls, New York 14301
Telephone 716-282-4100

October 12, 1994

Mr. Michael Shapiro
Director - OSW
Environmental Protection Agency
401 M Street, S.W.
Washington, DC 20460

Dear Mr. Shapiro:

According to 40CFR268.9 (a), a generator of a solid waste must determine each EPA Hazardous Waste Number (waste code) applicable to the waste for LDR purposes. However, stated in 40CFR268.9(b), a prohibited waste which is listed under 40CFR261, Subpart D and exhibits a characteristic under 40CFR261, Subpart C would not have to be identified with a standard under 40CFR261, Subpart C if the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic.

What exactly is that saying, especially in regards to the newly listed TC organics (D018-D043)? If you have identified a waste as a F001 or F002 and it also fails TCLP for Tetrachloroethylene (D039) or Trichloroethylene (D040), do you identify it as the "F" waste and "D" waste codes for 40CFR261 purposes and 40CFR268 (LDR) purposes?

Since F001 and F002 were listed because of toxicity (T), does that mean that since D039 and D040 are toxic characteristics they don't have to be identified based on 40CFR268.9(b)? If that is true, what about the additional requirements of meeting the standards for the underlying constituents for D018-D043 based on the TC organics final rule (59FR47982), since they do not appear in the listing for F001 or F002.

If you should have any questions, please do not hesitate to call.

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Very truly yours,

WASTE TECHNOLOGY SERVICES, INC.
T. L. Nebrich, Jr., CHMM
Technical Director

TLN/kjl