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MONTHLY HOTLINE REPORT

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2. Exclusion of Laboratory Wastes from the Mixture Rule

A facility has a laboratory that generates a variety of listed wastes. The laboratory generates wastes listed because they are toxic wastes (with a Hazard Code of (T)), as well as acutely hazardous wastes (with a Hazard Code of (H)). In addition, the laboratory generates wastes which are listed because they are both toxic wastes and commonly exhibit the hazardous waste characteristics of ignitability, corrosivity, or reactivity (e.g., with a Hazard Code of (I, T), (C, T), or (R, T)). The laboratory discharges all of these listed wastes into the facility's wastewater treatment system. The mixture rule exempts from Subtitle C certain wastes from laboratory operations that are discharged to wastewater treatment systems (40 CFR 261.3(a)(2)(iv)(E)). Specifically, this section notes that mixtures of laboratory wastes listed for being toxic (T) and large volumes of other wastewaters cease to carry the listing after they pass the headworks of the wastewater treatment system. Are the laboratory's wastes that are listed because they are acutely hazardous (H) or toxic and characteristic ((I,T), (C,T), or (R,T)) also exempt from the mixture rule?

Wastes listed for being acutely hazardous (H) or both toxic and characteristic ((I,T), (C,T) or (R,T)) are also eligible for the wastewater treatment exemption from the mixture rule provided that the wastewater flow meets all the other conditions of 261.3(a)(2)(iv)(E) (i.e., the concentration of laboratory wastes is less than 1 ppm of the total wastewater flow in to the headworks of the wastewater treatment facility or the laboratory contributes less than 1 percent of the flow into the headworks). This exemption does not apply, however, to wastewaters which were listed solely because they exhibit a characteristic (e.g., a Hazard Code of (I) only).

If wastes which were listed solely for exhibiting a characteristic were mixed with other solid wastes, such as a wastewater, and ceased to exhibit any characteristic they would, however, no longer be considered hazardous wastes (261.3(a)(2)(iii)).

Pursuant to the derived-from rule, sludges generated from the treatment of listed wastes normally carry the same listings as the original wastes (261.3 and (d)). Since laboratory wastewaters with Hazard Codes of (T), (H), (I,T), (C,T), or (R,T) cease to carry any listing under 261.3(a)(2)(iv)(E), sludges generated from

the treatment of these wastewaters would not carry the listings of the laboratory wastes. If the sludges exhibited any characteristics of a hazardous waste (including the characteristics for which the waste may have been listed), or if the sludges were derived from any non-laboratory listed wastes not otherwise excluded, they would have to be handled as hazardous.