

PPC 9452.1996(02)

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

June 19, 1996

Scott Kuhn, Manager
Corporate Compliance Communications
Laidlaw Environmental Services, Inc.
220 Outlet Pointe Boulevard
Columbia, South Carolina 29210

Dear Mr. Kuhn:

Thank you for your letter of June 6, 1996 in which you requested a clarification of an apparent conflict between two sections of the hazardous waste regulations: the waste characterization requirements in 40 CFR 262.11 and the LDR notification requirements in 40 CFR 268.9(a). This letter will also serve as a followup to a telephone conversation held on July 15, 1996, between you and Allen Maples, of my staff.

Though you mention that a possible conflict exists between these two sections of the regulations, your question was more related to which waste code should be used on the RCRA manifest. You referred to the situation where a waste stream has a specific listing code and also exhibits a characteristic for one of the constituents which make up the waste code. To use your example of wastewater treatment sludges from electroplating operations, this waste stream has the listing code of F006, but is also characteristic for cadmium, which would have the characteristic waste code of D006.

Your specific question was which of these waste codes should then appear on the RCRA Manifest? For manifest purposes, it really does not matter which waste code is shown, the listing waste code or the characteristic waste code. The RCRA manifest is primarily a shipping and transportation document and what is important is that the waste code selected most accurately identify the waste for emergency response purposes. Therefore, the generator/shipper is in the best position to decide which waste code to use. Since state regulations might differ, it would be

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important to contact the State agency where the waste shipment is being sent.

With regard to how waste codes should be entered on the manifest, please note that information in the section of the Uniform Hazardous Waste Manifest for Waste Number (section I) is not required by EPA regulations, but that States might require one or more waste codes in this section. The RCRA waste code(s) may be part of the proper U.S. DOT shipping description and should be entered in Line 11, as required by DOT (see 40 CFR 172.203). If you have additional questions about the U.S. DOT regulations, please contact the DOT helpline at (202) 366-4488.

Thank you for your interest in the RCRA hazardous waste program. I hope that this letter has helped to clarify your questions. If you have any additional questions, please contact Allen Maples, of my staff, at (703) 308-8798.

Sincerely yours,

David Bussard, Director
Hazardous Waste
Identification Division