

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT
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1. Applicability of the Subpart CC LDR Exemption to Soils

The provisions in 40 CFR Parts 264/265, Subpart CC provide an exemption from Subpart CC controls for tanks, surface impoundments, and containers managing hazardous wastes that meet the land disposal restrictions (LDR) standard for volatile organic compounds (VOCs) (Sections 264.1082(c)(4) and 265.1083(c)(4)). The LDR exemption applies only when VOC concentrations in the waste meet the numerical concentration limits in Section 268.40 or when the waste has been treated by the treatment technology established for the waste in Section 268.42(a). For example, Subpart CC controls are not required for tanks, surface impoundments, or containers storing D018 nonwastewaters that contain benzene at a concentration below 10 mg/kg and meet the universal treatment standards (UTS) for VOCs. If an owner or operator treats D018 soil that is regulated under Subpart CC to meet the alternative soil treatment standards in Section 268.49, can this soil be managed in units that do not have Subpart CC controls?

Tanks, containers, and surface impoundments storing soils that contain hazardous waste and that meet the alternative soil treatment standards in Section 268.49 for organic constituents are subject to the Subpart CC air emissions standards. Units storing hazardous soils are eligible for the LDR exemption from Subpart CC only when the VOCs meet the numerical concentrations specified in Section 268.40 or when the soil has been treated by a treatment technology established in Section 268.42(a) for the organic hazardous constituents in the soil. Wastes treated to a standard, such as the alternative soil treatment standards, which does not fully remove VOCs to the extent contemplated in creating the Subpart CC exemption remain subject to Subpart CC rules (62 FR 64636, 64645; December 8, 1997). Although the LDR exemption would not apply in this case, these soils may qualify for other exemptions from Subpart CC controls, such as the remediation waste exemption in Sections 264/265.1080(b)(5).

