

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT
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1. The Land Disposal Restrictions and Changes in Treatability Group for Listed Wastes

The land disposal restrictions (LDR) in 40 CFR Part 268 require hazardous waste to meet specific treatment standards before being placed on the land. The intent of these regulations is to reduce the toxicity or mobility of hazardous constituents and ensure proper treatment under RCRA's cradle-to-grave management system. The LDR requirements attach to a hazardous waste at the point of generation and applicable LDR treatment standards are determined at that time (51 FR 40620; November 7, 1986). Treatment standards are specific to the physical form of the waste, known as the treatability group, and are divided into separate standards for wastewaters and nonwastewaters.

Sometimes treatment of a characteristic hazardous waste results in a residue in a different treatability group (i.e., from wastewater to nonwastewater and vice versa), which is considered a new point of waste generation. The generator of this new waste must determine if the waste is subject to LDR and requires treatment before land disposal (55 FR 22661; June 1, 1990). If this new waste is characteristic, the appropriate LDR treatment standards apply; however, if the waste does not exhibit a characteristic, it would not be subject to LDR. Treatment of listed hazardous wastes also results in residues in new treatability groups. Are these residues from treatment of listed wastes considered a new point of generation?

The question is of only academic interest. Because of the derived from rule, the waste will be hazardous in any case and will normally carry the waste code of the listed waste. Thus, treatment residues derived from the treatment of a listed hazardous waste are considered to be that listed waste (Section 261.3(c)(2)). Consequently, all of the wastes generated during the course of treating a listed hazardous waste would be prohibited from land disposal unless they satisfy the treatment standard for that particular waste (53 FR 31147; August 17, 1988). Residues that are in a new treatability group must meet the LDR treatment standards appropriate for that particular treatability group (54 FR 48383; November 22, 1989).

For example, a F001 wastewater is combusted, producing treatment residues that meet the definition of nonwastewater. Under the derived-from rule, these residues are still considered F001, and this would not be considered a new point of generation. In addition, these residues would need to meet the F001 nonwastewater treatment standards before land disposal. This guarantees that residues are treated to a treatment level or with a technology appropriate for the form of the waste.