

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT
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1. Land Disposal Restrictions Notification Requirements for Contaminated Soil

The May 26, 1998 Federal Register (63 FR 28556) promulgated land disposal restrictions (LDR) treatment standards for hazardous waste contaminated soils. The rule also modified the LDR notification requirements that apply to contaminated soils. What notification requirements apply to a generator of soil that does not meet the treatment standard at the original point of generation? Are the requirements different if the soil meets the treatment standard at the original point of generation?

A generator of contaminated soil that does not meet the applicable treatment standard at the original point of generation is subject to the notification requirements of 40 CFR Section 268.7(a)(2). An authorized representative must sign the certification statement in Section 268.7(a)(2)(i), which states that the soil requires treatment and identifies whether the soil contains listed waste and/or exhibits a characteristic of hazardous waste. The notification must include all of the elements in column 268.7(a)(2) of the Generator Paperwork Requirements Table in Section 268.7(a)(4).

A generator of contaminated soil that meets the applicable treatment standard at the original point of generation is subject to the notification requirements of Section 268.7(a)(3)(ii). An authorized representative must sign the certification statement in the Generator Paperwork Requirements Table in Section 268.7(a)(4), column Section 268.7(a)(3), which states that the soil meets the applicable treatment standard. The generator must also include information about whether the soil contains listed waste and/or still exhibits a characteristic of hazardous waste. This information is required because soil that meets the applicable treatment standard can still exhibit a characteristic or contain listed waste (63 FR 28556, 28620; May 26, 1998).

In both cases, the generator must send a one-time written notice containing the above information to each treatment or storage facility receiving the soil and place a copy of the notice in the facility's files. Subsequent notification is required only if the waste or the facility receiving the waste changes.