

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT  
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**1. LDR Notification for Listed and Characteristic Wastes**

*A facility generates a listed waste, F037, that is also characteristic for benzene (D018). Because the land disposal restrictions (LDR) treatment standard for F037 in 40 CFR Section 268.40 directly addresses the characteristic property (benzene), the generator may meet the treatment standard for the F037 listing in lieu of the characteristic treatment standard (Section 268.9(b)). Must the generator report both codes (F037 and D018) on the LDR notification?*

The generator need only report the listed waste code, F037, on the notification form. When the listed waste treatment standard operates in lieu of the characteristic treatment standard, the listed waste code would be included on the notification form in lieu of the characteristic waste code (56 FR 3867; January 31, 1991). This “in lieu of” principle applies only to wastes whose LDR treatment standard directly addresses the treatment standard for the characteristic constituent. In this instance, the treatment standard for F037 requires treatment of benzene, the constituent that causes the waste to exhibit the D018 characteristic. Therefore, the listed treatment standard operates in lieu of the characteristic treatment standard. However, if the listed treatment standard does not directly address the constituent that makes the waste characteristic, the generator must list both waste codes on the notification form, and the waste must meet both treatment standards before it can be land disposed. Finally, the generator should check with the implementing agency for additional, more stringent requirements.