

9553.1988(01)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 88

5. Land Disposal Restrictions

The November 7, 1986 Federal Register (51 FR 40572) codified the land disposal restrictions for solvent and dioxin wastes identified in 40 CFR 261.31. At that time all of these solvent and dioxin wastes were restricted from surface land disposal unless they met the appropriate treatment standards set forth in Section 268.41. There was a national variance from the effective date (November 8, 1986) for these requirements which was given to generators of 100-1000 kilograms of hazardous waste per month (small quantity generators). This variance was granted because EPA believed there was not enough capacity to handle this waste (see 51 FR 40615). Small quantity generators (SQGs) would be subject to the treatment standards on November 8, 1988 (see 40 CFR Section 268.30(a) & (b)). The August 27, 1987, Federal Register (52 FR 32446) proposed to codify the solvent and dioxin land disposal restrictions for Underground Injection Control (UIC) Class I wells which are regulated under the Safe Drinking Water Act (SDWA) and by a RCRA permit by rule (see 40 CFR 268.30(a) & (b)). The August 27, 1987, proposal does not contain a SQG national variance. Does the variance granted to SQG solvent and dioxin waste also apply to the same wastes injected into Class I wells after August 8, 1988?

No. The November 7, 1986, SQG national variance granting an extension to the effective date to the solvent and dioxin restrictions applies only to wastes which will be placed in land units other than UIC Class I wells. The August 27, 1987, proposal did not address a national variance for SQG waste specifically. It does however propose to grant an extension of the effective date for solvent wastes which are solvent-water mixtures or solvent-containing sludges containing less than 1 percent (1%) total F001-F005 solvent constituents (see 40 CFR 148.10(a)). Therefore, small quantity generator solvent wastes must meet the applicable treatment standards prior to injection into a Class I well unless

they contain less than one percent (1%) total solvents after generation. This will result in a three (3) month "lag time" when SQGs may place their untreated (greater than one percent) solvent wastes in all land units except UIC Class I wells.

EPA did not propose a special SQG variance granting an extension to the effective date of the UIC restrictions because it is believed there are currently few SQGs disposing of their wastes by injection who will not also be eligible for the one percent (1%) total solvent variance. It is believed there is adequate treatment capacity for all SQGs and other generators who generate solvent wastes above one percent (1%).

Source: John Atcheson (202) 382-5508

Research: Deborah McKie