

9444.1991(06)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

NOVEMBER 1991

1. Multisource Leachate (FO39) Waste Code as it Applies to Contamination From Spills

The hazardous waste code F039, known as multisource leachate, is defined in 40 CFR §261.31 as leachate resulting from the disposal of more than one hazardous waste listed in 40 CFR Part 261, Subpart D, which is also a restricted waste under the Land Disposal Restrictions program in Part 268. Rainwater has percolated through soils contaminated with spills of several different listed hazardous wastes. Could the resulting contaminated water now receive the FO39 waste code?

The January 31, 1991, Federal Register (56 FR 3865) states that in order to determine whether a waste meets the criteria of F039, it is necessary to first determine that the waste meets the definition of leachate. This definition, found in 40 CFR §260.10, is "any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste." The preamble of the January 31, 1991, notice also clarifies that only liquids that have percolated through land disposed wastes ("land disposal" having the meaning of RCRA Section 3004(k)) are considered to be leachate for the purposes of making this determination. The definition of land disposal in Section 3004(k) states that land disposal "shall be deemed to include, but not limited to any placement of such hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave" (emphasis added). Spillage and drippage are also forms of land disposal, albeit improper and illegal. Since spills and drips of hazardous waste which have collected in the soil are normally land disposed wastes, water that has percolated through soils contaminated with more than one listed hazardous waste for which Part 268 treatment standards are in effect is normally F039.