

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MARCH 89

## 1. Mixed Waste and Land Ban

The owner/operator of a facility generates a liquid mixed hazardous/radioactive waste. The waste contains F006 waste as well as California list metals above the levels specified in RCRA Section 3004(d)(2). Is this waste subject to the land disposal restrictions? If so, which land disposal restrictions apply?

According to the August 17, 1988, Federal Register (53 FR 31202), First Third waste mixed with radioactive waste is moved to the Third Third schedule, whether that First Third waste has a treatment standard associated with it or not. Section 268.10 identifies F006 waste as a First Third Waste, this mixed waste which contains F006 will not be subject to the land disposal restrictions until May 8, 1990. However, this action only affects First Third wastes mixed with radioactive wastes. Mixed waste containing spent solvents, dioxins and California list wastes or mixed radioactive/First Third waste that also contains spent solvents, dioxins and California list waste (i.e., wastes prohibited under Sections 268.30, 268.31, 268.32) would still be subject to the land disposal restrictions associated with those wastes. However, this is only true in unauthorized states or authorized states that do not have mixed waste authority. Therefore, mixed waste which contains F006 and California list metal wastes must only comply with the land disposal restrictions in Section 3004(d) of RCRA. Section 3004(d) states that California list metal wastes were prohibited from land disposal as of July 8, 1987 unless the waste meets the statutory prohibition standards in Section 3004(d)(2)(B). However, if the State in which the facility is located is authorized for the base RCRA program, and the State has not yet received mixed waste authorization, the waste is not considered hazardous and the land ban does not apply.

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