

9551.1986(23)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

DECEMBER 86

LAND DISPOSAL RESTRICTIONS

4. Land Disposal Definition

How is land disposal defined regarding the Section 3004(d) RCRA land disposal restrictions?

Land disposal is defined to include, but not be limited to, any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, or underground mine or cave [Section 3004(k) RCRA]. EPA also considers placement of hazardous wastes in concrete vaults or bunkers intended for disposal purposes as methods of waste management subject to the land disposal restrictions. however, EPA does not consider open detonation, which would include open burning, as methods constituting land disposal and has concluded that the land disposal restrictions program is not applicable to open detonation and open burning [51 FR 40580]

5. Lab Packs

Are lab packs containing wastes restricted from land disposal included in the land disposal restrictions?

Neither the legislative history nor the statute indicates that lab packs can be excluded from the land disposal restrictions if they contain restricted wastes. If a lab pack contains these restricted wastes, the entire lab pack is subject to the land disposal restrictions [51 FR 40585].

6. Conditionally Exempt SQG Waste

Are conditionally exempt small quantity generator wastes subject to the "Ban"?

In the land disposal restrictions rule [51 FR 40572], the Agency has amended §261.5 to exclude conditionally exempt small

quantity generators from the requirements of part 268, so long as the generator has compiled with all applicable provisions of §261.5 [51 FR 40637].

7. Empty Containers

Is an "empty container" which held RCRA hazardous wastes F001-F005 subject to the land disposal restrictions?

No; according to 40 CFR 261.7(a)(1) as amended [51 FR 40637], "Any hazardous waste remaining in either (i) an empty container (ii) an inner liner removed from an empty container, as defined in paragraph (b) of this section, is not subject to regulation under Parts 261 through 265, 268 (added in this rule), and Parts 270 and 124 of this chapter or to the notification requirements of Section 3010 of RCRA. Thus, if the container has been emptied in accordance with the applicable provisions of §261.7(b), it is not subject to land disposal restrictions."