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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

DECEMBER 88

2. Land Disposal Restrictions: Soils and Debris from RCRA Corrective Action

Under the land disposal restrictions, some soil and debris have national capacity variances. Must the response action under CERCLA be pursuant to Section 104 or Section 106 of CERCLA and must the corrective action under RCRA be pursuant to a corrective action order?

Soil and debris contaminated with wastes from the "first third" list and for which the promulgated treatment technology is incineration have a national capacity variance until August 8, 1990. This variance, however, applies to all soil and debris contaminated with these wastes not just to soil and debris generated by CERCLA or RCRA clean-up actions (53 FR 31196). In contrast, soil and debris contaminated with solvent, dioxin, or California list wastes are subject to a variance only if they result from an action taken under Section 104 or Section 106 of CERCLA, or a corrective action under Subtitle C of RCRA. This variance extends to November 8, 1990. EPA, however, can use either orders or permits to require corrective action under RCRA. The variance is not limited to soil and debris from corrective action orders.

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