

## 2. Prohibition on the Use of Hazardous Waste as Dust Suppressant

RCRA prohibits the use of materials contaminated with dioxins or any other hazardous waste (other than wastes which are hazardous solely for exhibiting the characteristic of ignitability) for dust suppression or road treatment (40 CFR Section 266.23(b)). If a person treats a corrosive waste (D002) to remove the characteristic of corrosivity and to meet land disposal restrictions (LDR), can this waste be used as a dust suppressant?

A characteristic hazardous waste that has been decharacterized and meets LDR treatment standards may be used as a dust suppressant. The Section 266.23(b) prohibition applies to materials that are hazardous wastes or that are mixed with a hazardous waste. A characteristic hazardous waste that has been decharacterized is not subject to the prohibition because it is no longer hazardous. Use of the decharacterized waste as a dust suppressant would be allowable assuming the resulting product is being legitimately recycled. Before placement on the land, however, the product must fully meet applicable LDR requirements. D002 wastes must be treated to remove the characteristic of corrosivity, as well as meet universal treatment standards for underlying hazardous constituents (Section 268.40). Treatment must be achieved in a manner that does not constitute impermissible dilution (Section 268.3).

While decharacterized wastes may be used for dust suppression, listed hazardous wastes remain prohibited from such use even after treatment to meet LDR standards, because these wastes continue to carry a listing. The use of used oil as a dust suppressant is also prohibited (Section 279.82).