

Land Disposal Ban

4. Section 201(d) of the RCRA amendments prohibits the land disposal of specified wastes, including the “California Wastes,” unless the Administrator determines that the prohibition of one or more methods of land disposal of such wastes would not be required to protect human health and the environment. This prohibition goes into effect July 8, 1987. The latter part of this same section states that it is up to interested persons to demonstrate to the Administrator that land disposal of particular banned wastes would not pose a hazard. What procedures must these interested parties follow in making such a determination?

The Agency is currently developing procedures for the submission of the petitions to the Agency to demonstrate that land disposal of a waste is protective of human health and the environment. These procedures are scheduled to be proposed in the Federal Register in November of this year. EPA is evaluating whether individuals may petition now for exemptions to the ban or whether petitions will only be evaluated after the ban goes into effect. The demonstration required in the petition must meet the standard specified in Section 201 of the RCRA amendments, that is, “...to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous.” In addition to proposing procedures for petitioning in November, EPA will propose its methodology for developing treatment standards for wastes subject to the land disposal ban. Under §201(m), wastes treated in accordance with these standards may be land disposed.

SOURCE: Susan Bromm and Jim Bachmaier (202) 382-4804 and (202) 382-4679

