

RCRA/SUPERFUND HOTLINE MONTHLY REPORT
July 1999

1. Residues From the Trial Burn of Listed Hazardous Wastes

To obtain a RCRA permit for a hazardous waste incinerator, permit applicants must conduct a trial burn to demonstrate that their incinerator has the ability to burn wastes, cleanse combustion gases, and emit only harmless quantities of pollutants to the atmosphere (40 CFR §270.62(b)). For example, a facility seeking a RCRA incinerator permit mixes a listed §261.33 chemical reagent with sand for the purposes of feeding it into the combustion chamber of the incinerator during a trial burn. The mixture of the chemical reagent and the sand is a listed hazardous waste per §261.3(a)(2)(iv). Is the residue from the trial burn of this hazardous waste mixture also a listed hazardous waste?

The residue from the trial burn of the hazardous waste mixture is a listed hazardous waste via the derived-from rule (§261.3(c)(2)(i)). A permit applicant is not absolved from identifying solid and hazardous waste generated from a trial burn. According to the derived-from rule, any solid waste generated from the treatment, storage, or disposal of hazardous waste, including any sludge, spill residue, ash, emission control dust, or leachate is a hazardous waste (§261.3(c)(2)(i)). Therefore, ash residue from the incineration of a listed hazardous waste is subject to regulation as a hazardous waste.