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RCRA/SUPERFUND HOTLINE SUMMARY

SEPTEMBER 1990

I. SIGNIFICANT QUESTIONS AND RESOLVED ISSUES-SEPTEMBER 1990

RCRA

1. Pretreatment of Characteristic Wastes Subject to Land Disposal Restrictions

A Treatment, Storage and Disposal Facility (TSDF) receives an ignitable waste (D001) from a generator. The waste, which is identified as high Total Organic Carbon (TOC) D001 has a specified technology of fuel substitution, recovery of organics, or incineration as methods for treating the waste. Prior to introduction to one of these technologies, the TSDF pretreats the material by filtering or decanting the waste and separating it into a liquid and a solid phase. The solid phase, upon testing, does not exhibit the characteristic of ignitability. Would that portion of the waste that no longer exhibits a characteristic not be subject to Subtitle C regulation and the notification/certification requirements of Section 268.7 even though the waste was not treated by the specified technology indicated in Section 268.42?

The noncharacteristic solid phase would no longer be regulated under Subtitle C. EPA considers processes that separate phases of a waste, in this case a solid and an ignitable liquid, to be recovery and hence an acceptable form of pretreatment provided that the remaining material that exhibits the characteristic is treated by the required technology (June 1, 1990; 55 FR 22544). In this example, the non-characteristic solid, assuming it is not hazardous for any other reason, would pass from Subtitle C into Subtitle D solid waste regulations. This would be the case for any aqueous, liquid, or solid material which, as a result of pretreatment, no longer exhibits a characteristic. Moreover, the notification/certification requirements of Part 268 would not attach to the non-hazardous solid; however, this paperwork would follow the remaining hazardous material (e.g., the ignitable liquid) to the treatment facility. Once the ignitable liquid is treated and no longer exhibits the characteristic, then the paperwork would be forwarded on the Regional Administrator and the remaining waste (e.g., any ash resulting from the treatment of the liquid) sent to s Subtitle D

facility per Section 268.9(d).

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