

## **1. Land Disposal Restriction Notification Requirements for Decharacterized Mixed Waste Sent to an Atomic Energy Act Landfill**

*The land disposal restrictions (LDR) in 40 CFR Part 268 require that hazardous waste prohibited from land disposal meet treatment standards before it is placed in a landfill. A prohibited characteristic waste that has been treated to meet LDR standards (and to eliminate the characteristic) may exit Subtitle C hazardous waste regulation and be sent to a Subtitle D facility, provided the generator sends a one-time notification and certification to the EPA Region or authorized state (268.9(d)). If a generator treats a prohibited characteristic mixed waste, i.e., a waste that is both hazardous and radioactive, and it is no longer hazardous, should the one-time notification and certification still be sent to the EPA Region or to the authorized state if the waste is being sent to an Atomic Energy Act (AEA) landfill?*

The one-time notification and certification should still be sent to the EPA Region or authorized state. The one-time notification and certification verifies that the waste has been treated to meet all applicable LDR standards and indicates the site of ultimate disposal since the waste is no longer subject to Subtitle C regulation. RCRA §4004 specifically prohibits the open dumping of solid waste. If the AEA landfill meets the Subtitle D criteria under 40 CFR Parts 257 or 258, which distinguish between sanitary landfills and open dumps, then the decharacterized mixed waste may be sent to that facility.