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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JAN 7 1986

Ms. Elizabeth Rose (6H-CE)
EPA Region VI
1201 Elm Street
Dallas, TX 75270

Dear Ms. Rose:

This letter is in response to your recent telephone conversation with Mr. David Topping of my staff. Specifically, you requested information concerning the definition of hazardous waste contained in 40 CFR Part 261 and the delisting criteria related to leachate levels.

§261.3(a)(2)(iii) deals with wastes which are included in Subpart D solely because they meet the characteristics of hazardous waste described in Subpart C (i.e., ignitability, corrosivity, reactivity, or EP toxicity). Thus, a mixture of D002 waste (included solely for corrosivity) and a solid waste would not be hazardous if the mixture no longer exhibits the characteristic of corrosivity, nor any other hazardous waste characteristics. However, waste which are listed in Subpart D because of the presence of specific hazardous constituents (e.g., K048, K049, and K051, all of which are listed for hexavalent chromium and lead) remain hazardous unless they are excluded from the list under §§260.20 and 260.22 (i.e., delisted).

The delisting criteria included a sliding regulatory scale which dictates allowable leachate levels for specific volumes of wastes. For wastes which are typically disposed of in a landfill, this scale is described at 50 FR 7882, February 26, 1985 and 50 FR 48886, November 27, 1985. In general, the allowed leachate levels for landfilled wastes range from 32% the drinking water standards for small volumes of wastes (< 475 yd³) to approximately 6x the drinking water standards for large volumes of waste (> 5000 yd³). Also, as required by the Hazardous and Solid Waste Amendments of 1984, the Agency's evaluation of petitioned wastes is not restricted to the constituents for which the waste was originally listed. Rather, the Agency evaluates all factors (including additional constituents) which could reasonably be expected to be present and would cause the waste to be hazardous. It should also be noted that the type of leachate test to be performed may vary, depending upon the nature of the waste being evaluated. For example, oily petroleum refinery wastes are typically subjected to the EP for Oily Waste procedure rather than the standard EP leachate test.

RO 11121

-2-

Evaluation criteria for wastes that are subject to disposal other than in landfills (e.g., land treatment or management in surface impoundments) are currently being developed; in fact, the evaluation criteria for waste that are land treated was proposed on November 27, 1985 (50 FR 48943). While these models have not yet been made final, it is expected that the allowed leachate levels for these disposal scenarios will be more stringent than those described above for landfilled wastes.

Should you have any further questions concerning the hazardous waste definitions or the delisting program, please contact me or Mr. David Topping of my staff at (202) 475-8551.

Sincerely,

Matthew A. Straus, Chief
Waste Identification Branch (WH-562B)

RO 11121