

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT
February 2001

1. Land Disposal Restrictions Notification Requirements for Decharacterized Waste

A large quantity generator (LQG) accumulates and treats a D008 waste to remove the characteristic of lead and to meet the land disposal restrictions (LDR) treatment standard for D008 in 40 CFR Section 268.40. What LDR notification and certification requirements in Section 268.7 must the LQG follow when shipping the waste to a municipal solid waste landfill (MSWLF)?

The LQG must comply with applicable LDR notification and certification requirements in Section 268.7, as well as the special notification requirements for characteristic hazardous waste in Section 268.9 (Section 268.7(a)(1)). A LQG who fully treats the waste to meet LDR must follow the LDR notification and certification requirements applicable to treatment facilities in order to certify that the characteristic has been removed, that the waste meets the Section 268.40 treatment standard, and that underlying hazardous constituents have been treated on site (Section 268.7(b)(4)(v)). However, the generator need not comply with the requirement in Section 268.7(a)(3) to supply a one-time written notice to each treatment, storage, or disposal facility receiving the waste. EPA has determined that notification and certification forms should not accompany shipments from generators to Subtitle D facilities (55 FR 22520, 22663; June 1, 1990). Instead, once the waste is decharacterized, the generator must send a one-time written notification and certification to the authorized state or EPA region, as well as place a copy in the facility's files. See Section 268.9(d) for further information on what information must be included in the notification.

This notification and certification must be updated if either the process generating the waste changes or the Subtitle D facility receiving the waste changes. Finally, generators should contact their implementing agency to ensure that they do not maintain more stringent LDR notification requirements.