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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 85

Non-Hazardous Liquids Ban

2. The Hazardous and Solid Waste Amendments of 1984 placed several bans on the placement of certain wastes in RCRA interim status or permitted landfills. One of the bans, as codified in §§264.314(e) and 265.314(f) (50 FR 28749 - 28750; July 15, 1985), states that "effective November 8, 1985, the placement of any liquid which is not a hazardous waste in a landfill is prohibited unless" certain conditions are met. The RCRA regulations do not define what is meant by the term "liquid." Is there any clarification available regarding the applicability of this ban to semi-solid or multi-phase wastes? Is the use of absorbents prior to placement in a RCRA landfill prohibited?

The ban on the placement of non-hazardous liquids in RCRA landfills will apply to any waste that is a liquid or that contains free liquids as determined by the Paint Filter Liquids Test, Method 9095 as described in "Test Methods for Evaluating Solid Wastes, Physical/Chemical Methods." [EPA Publication No. SW-846] The ban does not specify that the use of absorbents to solidify nonhazardous liquids prior to placement in a RCRA landfill is prohibited. Therefore, if a nonhazardous liquid has been solidified and contains no free liquids as determined by the Paint Filter Liquids Test, it may be placed in a RCRA landfill, according to current staff policy. Guidance will be available to the Regions in November.

Source: Paul Cassidy (202) 382-4682