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EXEMPTIONS TO LAND DISPOSAL RESTRICTIONS FOR SOLVENTS AND DIOXINS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JAN 13 1987

John H. Easto  
Stone Industrial Division  
J. L. Clark Manufacturing  
51st Avenue & Cree Lane  
College Park, Maryland 20740

Dear Mr. Easto:

In your letter of October 10, 1986 you requested an exemption to the "Schedule for Land Disposal Restrictions" published in the Federal Register on May 28, 1986, (51 FR 19300). Since you have that notice, you are aware of the prohibitions on the land disposal of untreated hazardous wastes, and the requirement that EPA set treatment standards by certain dates.

On November 7, 1986, the final Land Disposal Restrictions Rule for Solvents and Dioxins was published in the Federal Register (51 FR 40572). In this rule, EPA has established treatment standards for land disposal of certain solvent- and dioxin-containing hazardous wastes, including the F005 waste stream generated by your company. I have enclosed a copy of this regulation for your information. The treatment standards do not require incineration. The standards are set as a concentration of a solvent constituent in an extract from a waste or a waste treatment residual. It is possible that your waste stream, the solid polyester type adhesive, may meet these treatment standards, which are measured by use of the toxicity characteristic leaching procedure (TCLP) (Appendix I in the regulation, page 40643). You should have a laboratory qualified to do this procedure (there are quite a few) test your waste material to see if it meets the treatment standards without treatment such as incineration.

There are some exceptions to the requirement that the wastes meet the treatment standards. The first of the exceptions requires that a petition be submitted to EPA and approved based on a showing that there will be no migration of hazardous constituents for as

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long as the waste remains hazardous. The standard for approval of this type of petition was specified by Congress in the Hazardous and Solid Waste Amendments of 1984 (HSWA). In reality this is a very limited exception and may not be of much use to you.

A second exemption is more accurately described as an extension of the effective date. If the waste contains less than one percent F001-F005 solvents, the waste can be land disposed, subject to certain limitations, without meeting the treatment standards until November 8, 1988. EPA has used its authority under HSWA to extend the effective date for these wastes based on a lack of adequate alternative treatment capacity. The EPA has also extended the effective date for generators of between 100 and 1000 kilograms per month of hazardous waste. While I do not know the density of your waste, a generation rate of 17 drums every three months might put you in this small quantity generator category, which would at least temporarily solve your problem.

EPA is aware that these requirements may significantly raise the waste disposal costs for industry. However, we are limited by the law in our ability to consider such factors in setting treatment standards.

If you have any further questions, please feel free to write or call Stephen R. Weil at (202) 382-4770.

Sincerely

Original Document signed

Marcia E. Williams  
Director  
Office of Solid Waste

Enclosure