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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JUNE 86

1. Treatment Studies and Permits

A generator of hazardous waste would like to send hazardous waste samples to a facility that will perform innovative treatment studies on the samples. These "treatability studies" involve investigating new methods or techniques to change the physical, chemical, or biological character or composition of the waste and render the waste less hazardous, or non-hazardous. What regulations must a facility comply with if the facility accepts hazardous waste samples for treatability studies and the facility uses technology for which Parts 264, 265 and 266 standards have not been promulgated to date?

On September 25, 1981 (46 FR 47426), EPA excluded samples of hazardous waste from RCRA regulations in Parts 262-270 when stored, transported and tested for hazardous waste characteristics or composition. This lab sample exclusion is codified as §261.4(d). Samples of hazardous waste collected for "treatability studies" are not included in the §261.4(d) lab sample exclusion. Therefore, "treatability studies" are subject to RCRA interim status or permit standards in Parts 264, 265, 266 and 270.

The Hazardous and Solid Waste Amendments of 1984 (HSWA) added Section 3005(g) to provide EPA the authority to issue research, development and demonstration (RD&D) permits for treatment activities. The purpose of RD&D permits is to authorize experimental testing of new hazardous waste treatment technologies or processes. This new authority has been codified in 40 CFR §270.65 (50 FR 28752, July 15, 1985). The statute and §270.65(a) authorize EPA to issue permits for innovative and experimental hazardous waste treatment technology or process activities, including those which are not yet subject to RCRA Parts 264.

The EPA is developing Part 264 permit standards for miscellaneous units (Subpart X) and experimental facilities (Subpart Y). The Subpart X regulations will provide permit authority for units that are currently not regulated in 40 CFR Parts 146 and 264. These units include deep mines, silos, salt mines, thermal treatment units and open detonation units. The Subpart Y

regulations may replace §270.65 authority and will provide permit standards for experimental facilities. Proposed regulations for Subpart X are scheduled for publication in the Federal Register by the Fall of 1986; Subpart Y is expected to be proposed at a later date.

Source: Ken Gray, Office of General Counsel (202) 382-7700
Research: Caroline Danek