

9551.1987(12)

GENERATOR REQUEST FOR EXEMPTION FROM OR EXTENSION OF LAND
DISPOSAL RESTRICTIONS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUN 26 1987

Mr. Robert H. Campbell
Sun Refining and Marketing Company
Ten Penn Center
1801 Market Street
Philadelphia, Pennsylvania 19103-1699

Dear Mr. Campbell:

Thank you for your June 8, 1987, expressing your concern regarding the Environmental Protection Agency's (EPA) regulatory approach to land treatment, and in particular, the classification of land treatment as land disposal.

Under the Resource Conservation and Recovery Act (RCRA) , as amended by the Hazardous and Solid Waste Amendments (HSWA) of 1984, land disposal is defined as including, among other things, land treatment. Given the explicit statutory language found in HSWA, the intent of Congress to include land treatment as land disposal is clear. If a variance has not been granted extending the effective date for the waste due to insufficient treatment capacity, restricted waste may not be land treated (i.e., land disposed) unless it meets the applicable treatment standard in 40 CFR 268 Subpart D, or has been granted a "no migration" exemption under §268.6.

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The "no migration" exemption is based on a petition demonstrating, to a reasonable degree of certainty, that there will be no migration of hazardous constituents from the disposal unit of injection zone for as long as the waste remains hazardous. The Agency is currently developing guidance on the § 268.6 "no migration" petition. Until EPA develops this guidance, the Agency will evaluate such petitions on a case-by-case basis.

Thank you for your interest in this matter, and for expressing your concerns.

Sincerely,

Original Document signed
"McGraw for"

J. Winston Porter
Assistant Administrator

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