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EPA'S IMPLEMENTATION OF CALIFORNIA LIST LAND DISPOSAL
RESTRICTIONS

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

OCT 15 1987

Honorable Alan Cranston
United States Senate
Washington, D.C. 20510

Dear Senator Cranston:

Thank you for your letter of September 11, 1987, forwarding the concerns of your constituent, Ms. Beverly Full. The primary focus of Ms. Full's letter relates to the December 11, 1986, (51 FR 44714) proposal to prohibit land disposal of hazardous wastes containing California list constituents at or above statutory concentration levels.

Several events have occurred regarding the land disposal restrictions program since Ms. Full's February 1987 correspondence. Ms. Full requested that a hearing be held to address the concerns identified in her letter. Such a hearing (Oversight Hearing on RCRA Land Disposal Ban) was conducted before the Subcommittee on Hazardous Waste and Toxic Substances of the Senate Committee on Environment and Public Works on June 5, 1987. At this hearing, I had the opportunity to discuss the Agency's progress in implementing the land disposal restrictions program. Shortly after this Senate hearing, on July 8, 1987, (52 FR 25760), the Agency promulgated treatment standards and corresponding effective dates for the California list waste containing PCB's and Halogenated Organic Compounds, and codified the statutory prohibition levels for certain corrosive wastes. Furthermore, this final rulemaking established testing requirements for determining compliance with the prohibition, an aspect of the regulatory framework which effects the character of those wastes that are considered restricted.

The Resource Conservation and Recovery Act (RCRA) Section 3004(d) directs the Environmental Protection Agency (EPA) to substitute more stringent concentration levels for those in the statute when necessary to protect human health and the environment. In considering the protectiveness of the concentration levels for California list wastes, the Agency examined both the toxicity of the California list constituents and the potential for exposure to these waste in the context of their management. As a result of such considerations, the Agency published a Notice (August 12, 1987, 52 FR 29992) requesting information and comment on issues related to lowering the prohibition levels for California list metal-bearing cyanide-containing wastes. The suggested prohibition levels are similar to those requested by Ms. Full -- levels 100 time current EPA drinking water standards. As indicated in the Notice, the Agency is considering promulgating prohibitions on the California list metal and cyanide wastes at levels 100 times the National Interim Primary Drinking Water Standards, or in the case of nickel, thallium, and cyanide (for which no drinking water standards exist), 100 times alternative health-based levels.

Ms. Full expressed concern about the design features required of units receiving wastes that are subject to a variance. Under the current regulatory framework, wastes that are covered by a national variance or case-by-case extension of the effective date must be placed in a facility that is in compliance with the minimum technological requirements of RCRA Section 3004(o). These requirements, including double liner, leachate collection system, and ground water monitoring system, apply to new units, replacement units, or lateral expansions of existing landfills or surface impoundments at existing facilities. With respect to "no migration" petitions, it must be demonstrated, to a reasonable degree of certainty, that land disposal of restricted wastes will not allow migration of hazardous constituents from the disposal unit or injection zone for as long as the wastes remain hazardous.

EPA shares Ms. Full's concern about the timing involved in identifying appropriate treatment technologies for metal wastes. The Agency did not establish prohibition levels or treatment standards for California list metal and cyanide wastes in the July 8, 1987, final rule. Instead, in the August 12, 1987 Notice, the Agency has requested further comment on lowering the statutory levels for these wastes to levels 100 times drinking water standards or alternative health-based levels. The Agency believes that further evaluation of the statutory prohibition levels is warranted based on a number of concerns including these wastes' mobility and toxicity, and the land disposal practices employed for these wastes. The Agency evaluated technologies used to treat these wastes and provides treatment performance data corroborating that the California list metals and cyanides can be treated to achieve the suggested prohibition levels. Because of the potential variability of these California list waste categories, the Agency does not believe it possible at this time to establish more specific treatment standards. Therefore, the Agency is evaluating treatment standards that would be achievable by a wide group of wastes. Based upon this evaluation, the Agency will make more specific treatment standard determinations in accordance with the final schedule for implementing the land disposal restrictions (51 FR 19300).

If I can be of any further assistance, please let me know.

Sincerely,

J. Winston Porter
Assistant Administrator