

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

JULY 28, 1988

MEMORANDUM

SUBJECT: Leachate and Residues Generated from Treatment, Storage, or Disposal of
Characteristic Waste

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste

TO: Waste Management Division Directors
Regions I - X

This memorandum is to clarify the status of waste generated or derived from the treatment, storage, or disposal of wastes that are classified as hazardous only due to one of the characteristics. Under 40 CFR Section 261.3(c)(2)(i), a solid waste generated by the treatment, storage, or disposal of a hazardous waste is itself a hazardous waste, unless and until it meets the criteria in Section 261.3(d). For nonlisted hazardous waste, Section 261.3(d)(1) provides that solid waste from the treatment, storage, or disposal of the waste is not hazardous unless the residue, etc., itself exhibits one of the characteristics. Waste derived from treating, storing, or disposing of listed wastes, in contrast, remain hazardous (under Section 261.3(d)(2)) unless delisted. Of course, individual States may adopt rules more stringent than EPA's and could classify all wastes derived from treating, storing, or disposing of hazardous waste as hazardous.

Please contact Mike Petruska at FTS-475-9888 if you have any questions on this issue.

If you have any further questions, please contact David Topping at (202) 382-7737, or the RCRA/Superfund Hotline at (202) 382-3000.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste

FaxBack # 11356