

9441.1986(74)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 86

1. Hazardous Wastes Listed Solely for Subpart C Characteristics

Certain listed hazardous wastes (e.g., F003, K044, K045, and K047) are listed solely because they exhibit a characteristic specified in 40 CFR Part 261, Subpart C. The Subpart C hazardous waste characteristics are ignitability, corrosivity, reactivity, and EP toxicity.

(a) If analysis indicates that a mixture of one or more of these listed wastes with a non-hazardous solid waste does not exhibit a Subpart C characteristic, can the mixture be managed as a non-hazardous, solid waste based on language in 40 CFR 261.3(a)(2)(iii)? 40 CFR 261.3(a)(2)(iii) states that a mixture of a solid waste and a hazardous waste that is listed in Subpart D solely because it exhibits a Subpart C characteristic is a hazardous waste unless the resultant mixture of a solid waste and a hazardous waste no longer exhibits any characteristic of hazardous waste identified in Subpart C.

(b) Is the resultant mixture subject to the delisting requirements of 40 CFR 260.22(c)? 40 CFR 260.22(c)(2) requires that the EPA determine whether additional factors (including additional hazardous constituents listed in Part 261 Appendix VIII) other than those for which the waste was listed could cause the waste to be hazardous waste.

(c) If a waste which is listed solely because of a characteristic dilute when generated that it does not exhibit a subpart C characteristic, can it be managed as a non-hazardous waste based on 40 CFR 261.3(a)(2)(iii) or is it subject to the delisting requirements of 40 CFR 260.22(c).

(a) Yes; the mixture of a non-hazardous solid waste with a listed hazardous waste, listed solely for a Subpart C characteristic, is not regulated as a hazardous waste if the resultant mixture does not exhibit any Subpart C characteristic.

(b) No; the more stringent delisting criteria of 40 CFR 260.22(c)(2) do not apply to mixtures of solid and hazardous wastes where 40 CFR 261.3(a)(2)(iii) applies.

(c) The dilute waste is subject to the delisting requirements of 40 CFR 260.22(c).

Source: Steve Hirsch (202) 382-7706

Research: Betty Wilson