

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Mr. Thomas J. Dolce
Principal Engineer
Award Environmental, Inc.
3670 West Shore Road
Warwick, Rhode Island 02886-5051

Dear Mr. Dolce:

This letter responds to your letter dated April 1, 1997, in which you had questions about the land disposal restrictions (LDR) requirements for a hazardous corrosive wastewater. As you described it, the corrosive wastewater is used to neutralize other nonhazardous wastewater in a wastewater treatment unit. The treated wastewater is discharged to the sewer. A nonhazardous sludge is generated in the unit that is disposed in a sanitary landfill.

You asked what LDR notification requirements apply? Under 40 CFR 268.7(a)(6), a hazardous waste that becomes nonhazardous because of an exclusion from the definition of solid waste is subject to a one-time notification requirement. The corrosive wastewater would be excluded under 40 CFR 261.4(a)(1), because it is discharged to a sewer. The one-time notice must be placed in the facility file, and should include the following information:

- a statement that the hazardous waste (D002) was generated;
- a statement that it is excluded from the definition of solid waste under 40 CFR 261.4(a)(1); and,
- a statement providing the disposition of the waste (i.e., discharged to the sewer).

You also asked what notification requirements apply to the sludge? Because the sludge is nonhazardous at the point of its generation (i.e., when it is removed from the wastewater treatment unit) there are no LDR notification requirements for this waste (55 FR 22661-62). The LDR requirements only apply to wastes that are hazardous at the point of generation.

Finally, you asked if there is a requirement to identify and treat underlying hazardous constituents (UHCs) in the corrosive wastewater and in the sludge generated in the wastewater treatment tank? The answer is no, for both the corrosive wastewater and the sludge. For the wastewater, in the partial withdrawal and amendment of the Phase III final rule (61 FR 15660), the requirement to identify and treat UHCs in decharacterized wastes was withdrawn, when those wastes are managed in centralized wastewater treatment systems subject to the Clean Water Act.

For the sludge, the fact that it is not a hazardous waste at the point of generation means no LDR requirements, including ones requiring the identification of UHCs, attach to this waste.

Please note that the above guidance pertains to the Federal LDR rules. Actual determinations of facility-specific requirements are normally made by EPA Regional offices or authorized States. States may have their own more stringent requirements.

I hope you find this information helpful. If you have further questions, please call Rhonda Minnick of my staff on (703) 308-8771.

Sincerely,

Elizabeth A. Cotsworth, Acting Director
Office of Solid Waste