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RCRA/Superfund/OUST Hotline Monthly Report Question

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7. Land Disposal Restrictions - California List

A manufacturer produces an aqueous waste stream containing 250 mg/l nickel, 1600 mg/l free cyanides, and 650 mg/l chromium (VI) at a rate of approximately 5000 gallons/month. The waste stream is characteristically hazardous due to the presence of free cyanides and chromium (VI) (D003 and D007, per 40 CFR Section 261.23 24). The manufacturer has the waste shipped via tank truck to a commercial wastewater treatment facility that treats the wastewater in tanks. The wastewater treatment facility has a contract with a metals recovery firm to accept the sludges after treatment for reclamation.

- (a) In addition to normal manifesting requirements, what must the manufacturer do in order to comply with the land disposal restrictions for his off-site waste shipments?

- (b) If the manufacturer has a wastewater treatment facility constructed and, as a result, will be discharging the liquid portion of his waste under a NPDES permit and shipping his non-liquid sludges to a metals recovery facility, how will the off-site shipment of the sludge be regulated?
 - a) The manufacturer's aqueous waste stream is restricted from land disposal according to Sections 3004(d)(2)(A), (b)(iii), and (B)(vi) of RCRA, which prohibit the land disposal of liquid hazardous wastes containing greater than 1000 mg/l free cyanides, 500 mg/l chromium (VI), and 134 mg/l nickel. Consequently, the off-site shipment of his aqueous waste stream must be accompanied by a notification to the treatment facility of the applicable prohibitions in Section 3004(d) of RCRA, per 40 CFR 268.7(a)(1). The notice must include the following information:

- (i) EPA Hazardous Waste Number;
 - (ii) The corresponding treatment standards and all applicable prohibitions set forth in Section 268.32 or RCRA Section 3004(c);
 - (iii) The manifest number associated with the shipment of waste; and
 - (iv) Waste analysis data, where available.
- (b) If the manufacturer's wastewater treatment sludge is hazardous only because of characteristics, as identified in 40 CFR 261 Subpart C, and the sludge is sent to a facility which reclaims metals from the sludge, the sludge is no longer subject to the land disposal restrictions of 40 CFR Part 268. 40 CFR 260.10 defines a sludge as "any solid, semi-solid, or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant."

According to 40 CFR 261.2, a sludge which exhibits a characteristic of a hazardous waste is not a solid waste (and therefore not a hazardous waste, per 40 CFR 261.3) if it is to be sent for reclamation. Pursuant to 40 CFR 268.1(a), the land disposal restrictions of 40 CFR Part 268 apply specifically to hazardous wastes. Consequently, if the waste is not a hazardous waste under RCRA, the regulations of 40 CFR 268 do not apply.