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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

SEPTEMBER 87

8. Land Disposal Restrictions - Corrosive Waste

A manufacturer generates an acidic aqueous hazardous waste stream (D002, per 40 CFR 26.122(a)) with a pH of 1.8 in his production process. The waste is piped from the production area to an acid neutralization tank, where the pH is raised to an average of 3.0. After treatment, the waste stream is shipped off-site to a commercial wastewater treatment plant where it is neutralized further and then discharged under a NPDES permit. Must the manufacturer comply with the requirement of 40 CFR 268.7(a)(2) to certify that the restricted waste may be land disposed without further treatment when he ships the waste off-site?

No. If the waste stream was hazardous solely for the characteristic of corrosivity (40 CFR 261.22(a)) and after treatment it does not exhibit any characteristic of a hazardous waste, as described in Subpart C of Part 261, the waste is no longer a hazardous waste (40 CFR 261.3(d)(1)).

According to the applicability provisions set forth in 40 CFR 268.1(a), "This part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed." Consequently, if the waste cannot be identified as a hazardous waste under RCRA, then the regulations of Part 268 do not apply, including the certification requirement of 40 CFR 268.7 (a)(2).

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