

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT
October 2000

1. Mercury Treatment Standards under the Land Disposal Restrictions Program

The land disposal restrictions (LDR) regulations in 40 CFR Section 268.40 contain waste-specific treatment standards that dictate the use of a particular technology or the reduction of hazardous constituents in the waste to a specified concentration level. The treatment standards for certain waste codes are divided into multiple subcategories. For example, the treatment standards for mercury (D009) are divided into high- and low-mercury subcategories based on the mercury content of the waste.

At the point of generation, a D009 waste meets the high-mercury subcategory for LDR purposes. However, in treating the waste for another hazardous constituent, the generator reduces the mercury content and the waste now meets the low-mercury subcategory. Can the generator apply the low-mercury treatment standard to meet LDR?

In this case, the treatment standard for the high-mercury subcategory that applied at the point of generation must be met at the point of disposal, regardless of the reduction of mercury content in the waste during treatment for another hazardous constituent. The generator of a waste must determine at the point of generation all applicable waste codes and treatment standards subcategories. These determinations apply throughout the life of the waste. All applicable waste codes must be determined at the point of generation so as to prevent the generator from diluting the waste to circumvent an applicable treatment standard (51 FR 40572, 40260; November 7, 1986).