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RCRA/SUPERFUND HOTLINE SUMMARY

NOVEMBER 87

Land Disposal Restrictions

An F001 F002 waste subject to the November 7, 1986 FR land disposal restrictions meets the criteria for the 1% National Variance specified in Section 268.30. In the July 8, 1987 FR, treatment standards were set for most HOCs. F001 and F002 wastes are also HOCs. Would the F001 F002 wastestream be subject to the newly-promulgated HOC treatment standards even though it has been granted a two-year variance for F001-F005 solvent wastes?

The solvent would only be subject to the treatment standards and effective date in the November 7, 1986 rule. In 52 FR 25762, it says that "where treatment standards and prohibition effective dates are promulgated for California list waste constituents that are also covered under the November 7, 1986 rule, the treatment standards and effective dates from the prior rule apply." The general rule is that where a constituent is subject to more than one treatment standard, the treatment standard (and effective date) for the more specific constituent applies. Example: the F001-F005 treatment standard effective date presides because, as a subset of the HOCs, it is more specific.

Also, for a waste where two or more treatment standards apply because of different constituents (e.g., F001 and lead), both would apply with respective effective dates. In the case above mixed with lead, the F001 F002 treatment standard and effective date would apply for the solvent constituents (rather than the HOC standard) and would get a variance until 11/8/88. However, the lead would be subject to the requirements effective 7/8/87.

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