



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

September 7, 1990

Daniel Gillingham, Inside Sales Manager
Franklin Environmental Services, Inc.
185 Industrial Road
P.O. Box 617
Wrentham, MA 02093

Dear Mr. Gillingham:

I have been asked to respond to your request, dated August 15, 1990, for clarification of certain Land Disposal Restrictions (LDR) and hazardous waste classification provisions.

Your interpretations are essentially correct. A generator who chooses to close a portion of his/her operation must determine whether any of the resultant debris meets the definition of hazardous waste under 40 C.F.R. Part 261. In your scenario, you outline a situation where piping, tanks, wood flooring, and concrete all show varying levels of EPA hazardous waste numbers F006 and F007. As you are aware, a listed waste, once identified, remains a RCRA hazardous waste, regardless of how much is present, unless and until the waste is "de-listed". In the case where demolition debris is contaminated with these listed wastes, the "mixture rule" of 40 C.F.R. § 261.3(a)(2)(iv) would require that these "solid wastes" mixed with "listed wastes" also carry the listed hazardous waste numbers, again, regardless of concentration.

EPA hazardous waste number F006 has been restricted from land disposal since August 8, 1988 (the cyanide standard for F006 was promulgated on June 8, 1989) and F007 has been restricted from land disposal since June 8, 1989. Therefore, the contaminated debris you have described must meet the applicable treatment standards outlined in 40 C.F.R. § 268.41 and/or § 268.43. To determine compliance with these treatment standards, a representative sample of the waste would have to be tested by the Toxicity Characteristic Leaching Procedure (TCLP) and a Total Waste Analysis (if cyanides are present). If the waste was found to exceed any of the treatment standards, the waste would have to be treated in order to meet the standard(s). Once all treatment standards are met, the waste may be disposed of in a "Subtitle C" hazardous waste landfill. These waste would still retain the F006 and/or F007 hazardous waste numbers.

EPA has not specified any method of treatment for F006 or F007. It should be noted, however, that, although stabilization is allowed for compliance with the treatment standards for metals, EPA does not consider stabilization an acceptable treatment



method for cyanide wastes. Cyanide containing wastes must undergo some type of destruction in order to comply with the treatment standard(s).

Concerning the four items outlined in your letter, Region I offers the following:

1. "Are tanks, piping, flooring correctly represented as F006 or F007 when resultant of minor contamination such as the situation described?"

As stated above, according to the "mixture rule", 40 C.F.R. § 261.3(a)(2)(iv), a "solid waste" mixed with a hazardous waste is defined as a hazardous waste. This debris, therefore, would be identified as F006 or F007 if contaminated by these wastes.

2. "After a complete decon with the resulting analysis showing the hazardous constituents at much less than the 268.41(a) and 268.43(a) standards, are the debris still required to go to a RCRA hazardous waste landfill?"

First, it should be noted that a waste is never required to go to a landfill. A waste which meets the LDR treatment standards is eligible for disposal in a hazardous waste landfill, but further treatment is never precluded.

If an attempt is made to decontaminate the debris in order to meet the LDR treatment standards, the debris would remain a listed waste and all resultant decontamination waters, etc. would also carry these waste codes due to the "derived from" rule found at 40 C.F.R. § 261.3(c)(2)(i). To verify that the treatment standards have been met throughout the contaminated debris, a TCLP (and a total waste analysis for cyanide contamination) would have to be done on a representative sample of the debris and at several different intervals in the waste matrix. That is, analytical verification would be necessary to show that contaminant concentration was below the treatment standard(s) throughout the concrete debris, for example. Once it is verified that all treatment standards have been met, the waste may be disposed of in a "Subtitle C" hazardous waste landfill, again, carrying the F006 and/or F007 waste code.

3. "If, after deconning, subsequent analysis of the area showed all F006 and F007 constituents as "None Detected", would the debris still be required to go to a RCRA hazardous waste landfill?"

Yes. 40 C.F.R. § 261.3(c)(1) states that "Unless and until it meets the criteria of paragraph (d): A hazardous waste will remain a hazardous waste." Paragraph (d)(2) states that a waste identified in paragraph (c) which is a listed waste, or derived

from a listed waste, is not a hazardous waste only if it "has been excluded from paragraph (c) under §§ 260.20 and 260.22 of this chapter." Therefore, unless a waste is subject to this "de-listing", it remains a listed hazardous waste, and must be handled as such.

4. "Are there any standards for closures of Large Quantity Generator facilities as there are for TSD's?"

Presently, there are no federal regulations concerning generator closure. Several states, however, impose more stringent requirements on generators, including closure standards. Region I recommends that you contact the state environmental agency in the state where this closure will take place.

If, as a result of these clarifications and/or further analysis of the waste in question, it is found that the waste cannot be treated to comply with the applicable LDR treatment standards, the generator may petition EPA for a site-specific variance from the treatment standard, in accordance with 40 C.F.R. § 268. A similar variance has recently been granted to Allied-Signal's Baltimore Works. Region I has more information on this variance and will forward it to you upon request if you choose to pursue this rulemaking petition. Please note that this variance is based on technical practicability and not based on economics in any way. These petitions are processed through EPA Headquarters in Washington D.C., not at the Regional office.

If you have any further questions on any of the information above, or the Land Disposal Restrictions program, feel free to contact me at (617) 573-5778.

Sincerely,



Robert G. Cianciarulo, Chemical Engineer
Waste Management Division

cc: Gerald Levy - EPA