

REGION V

Land Disposal Restriction

Violation Classification Guidance

Updated to February 1989

40 CFR PARTS 261, 264, 268, and 270  
PORTIONS RELATING TO LAND DISPOSAL RESTRICTIONS

PART 261 IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

CLASS

261.6 - REQUIREMENTS FOR RECYCLABLE MATERIALS

- |        |                                                                                                                                                                                                                                                                                                                                           |     |
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| (a)(1) | Owners and operators (O/O) of facilities that store recyclable materials before they are recycled are regulated under all applicable provisions of Subparts A through L of Parts 264 and 265 and under Parts 124, 266, 268 and 270 and the notification requirements of RCRA. The recycling process itself is exempt from the regulation. | N/A |
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PART 262 STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

262.11 - HAZARDOUS WASTE DETERMINATION

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| (d) | If generator's waste is hazardous, the generator must refer to Parts 264, 265, and 268 for possible exclusions or restrictions pertaining to its management. | N/A |
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262.51 - FARMERS

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| A farmer disposing of waste pesticides from his own use which are hazardous wastes is not required to comply with the standards in this part or other standards in 40 CFR Parts 264, 265, 268 or 270 for those wastes, provided he triple rinses each container in accordance with 261.7(b)(3) and disposes of the pesticide residues on his own farm in a manner consistent with disposal instructions on the label. | N/A |
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PART 264 TSD PERMIT STANDARDS

264.13 - GENERAL WASTE ANALYSIS

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| (a)(1) | Before O/O treats, stores or disposes of any hazardous waste he must obtain a detailed chemical and physical analysis of a representative sample of waste. The analysis must contain all information needed to treat, store or dispose of the waste in accordance with Parts 268 or 270, and 124. | I  |
| (b)(6) | The facility's waste analysis plan must be amended to include all testing requirements given in 40 CFR 268.7.                                                                                                                                                                                     | II |
| (b)(7) | The waste analysis plan for exempted surface impoundments must include:                                                                                                                                                                                                                           | II |

CLASS

264.13 cont.

- (i) sampling of impoundment contents;
- (ii) analysis of test data; and
- (iii) the annual removal of residues which are not delisted under Part 260.22 of this chapter and do not exhibit a characteristic of hazardous waste and which do not meet the treatment standards of Part 268 Subpart D of this chapter, or where no treatment standards have been established, the annual removal of residues which do not meet the applicable prohibition levels in Part 268 Subpart C or RCRA Section 3004(d).

264.73 - OPERATING RECORD

- (b)(10) O/O must keep records of quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under extensions or petitions pursuant to Parts 268.5 and 268.6 respectively, and the notice required by a generator under Part 268.7(a)(3). II
- (b)(11) O/O of an off-site treatment facility must keep a copy of the notice required by a generator under Part 268.7(a)(1). II
- (b)(12) O/O of an on-site treatment facility must keep information contained in the notice required by a generator under Part 268.7(a)(1) except for the manifest number. II
- (b)(13) O/O of an off-site land disposal facility must keep a copy of the notice and certification required by O/O of a treatment facility under Part 268.7(b)(1) and (2), or a copy of the notice and certification required by a generator under Part 268.7(a)(2). II
- (b)(14) O/O of an on-site land disposal facility must keep a copy of the notice required by Part 268.7(a)(2) except for the manifest number, or the information contained in the notice required by a treater under Part 268.7(b)(1) except for the manifest number. II

PART 265 TSD INTERIM STATUS STANDARDS

265.13 - GENERAL WASTE ANALYSIS

- (a)(1) Before O/O treats, stores or disposes of any hazardous I

CLASS

265.13 cont.

waste he must obtain a detailed chemical and physical analysis of a representative sample of waste. The analysis must contain all information needed to treat, store or dispose of the waste in accordance with Part 268.

- (b)(6) The facility's waste analysis plan must be amended to include all testing requirements given in 40 CFR 268.7. II
- (b)(7) The waste analysis plan for exempted surface impoundments must include: II
  - (i) sampling of impoundment contents;
  - (ii) analysis of test data; and
  - (iii) the annual removal of residues which are not delisted under Part 260.22 of this chapter and do not exhibit a characteristic of hazardous waste and which do not meet the treatment standards of Part 268 Subpart D of this chapter, or where no treatment standards have been established, the annual removal of residues which do not meet the applicable prohibition levels in Part 268 Subpart C or RCRA Section 3004(d).

265.73 - OPERATING RECORD

- (b)(8) O/O must keep records of quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under extensions or petitions pursuant to Parts 268.5 and 268.6 respectively, and the notice required by a generator under Part 268.7(a)(3). II
- (b)(9) O/O of an off-site treatment facility must keep a copy of the notice required by a generator under Part 268.7(a)(1). II
- (b)(10) O/O of an on-site treatment facility must keep information contained in the notice required by a generator under Part 268.7(a)(1) except for the manifest number. II
- (b)(11) O/O of an off-site land disposal facility must keep a copy of the notice and certification required by O/O of a treatment facility under Part 268.7(b) or a copy of the notice and certification required by a generator under Part 268.7(a)(2). II

CLASS

265.73 cont.

- (b)(12) O/O of an on-site land disposal facility must keep a copy of the information contained in the notice required by Part 268.7(a)(2) except for the manifest number, or the information contained in the notice required by a treater under Part 268.7(b)(2) except for the manifest number.

II

40 CFR PART 268 - LAND DISPOSAL RESTRICTIONS SUBPART A - GENERAL  
268.1 - APPLICABILITY

- (a)-(d) Describes the applicability of the land disposal restrictions and exceptions.

N/A

268.2 - DEFINITIONS

- (a) Halogenated organic compounds means those compounds having a carbon-halogen bond which are listed under Appendix III of this Part. Land disposal means placement in or on land, including but not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome or bed formation, underground mines or cave, or concrete vault or bunker intended for disposal purposes. Polychlorinated biphenyls (PCBs) are defined in accordance with 40 CFR 761.3. PCBs are also halogenated organic compounds (HOCs).
- (b) Parts 260.10, 261.2, 261.3, or 270.2 are referenced for further definitions.

N/A

N/A

268.3 - DILUTION

Substituting dilution of a restricted waste or residual from treatment of restricted waste for adequate treatment in order to either achieve compliance with Subpart D, to circumvent the effective date of a prohibition in Subpart C of this Part, or to avoid prohibitions in Subpart C, and RCRA Section 3004, is prohibited.

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268.4 - TREATMENT SURFACE IMPOUNDMENT EXEMPTION

- (a) Wastes prohibited from land disposal may be treated in a surface impoundment provided that:
- (1) Treatment occurs in an impoundment;
  - (2) The following conditions are met:

268.4 cont.

- (i) Sampling and testing. For wastes with treatment standards in Subpart D of this part and/or prohibition levels in Subpart C of this part, the residues from treatment are analyzed, as specified in Parts 268.7 or 268.32, to determine if they meet the applicable treatment standards or where no treatment standards have been established for the waste, the applicable prohibition levels. I

The sampling method, specified in the waste analysis plan under parts 264.13 or 265.13 must be designed such that representative samples of the sludge and supernatant are tested separately rather than mixed to form homogenous samples.

- (ii) Removal. The following treatment residues (including any liquid waste) must be removed at least annually: Residues which are from the treatment of wastes prohibited from land disposal under Subpart C of this part; or residues from managing listed wastes which are not delisted under Parts 260.22 of this chapter. However, residues which are the subject of a valid certification under Part 268.8 made no later than a year after placement of the wastes in an impoundment are not required to be removed annually. I

- (iii) Subsequent management. Treatment residues may not be placed in any other surface impoundment for subsequent management unless the residues are the subject of a valid certification under Part 268.8. I

- (iv) Recordkeeping. The procedures and schedule for sampling of impoundment contents, analysis of test data, annual removal of residues, must be specified in the facility's waste analysis plan as required in Parts 264.13 or 265.13 of this chapter. II

- (3) The impoundment meets the design requirements of Parts 264.221(c) or 265.221(a), and is in compliance with applicable ground water monitoring requirements of Subpart F of Parts 264 or 265, unless exempt under Parts 264.221(d) or (e), or 265.221(c) or (d); or unless the U.S. EPA Administrator has granted a waiver or modification; and I

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268.4 cont.

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| (4) | The O/O submits to the Regional Administrator a written certification that the requirements of Part 268.4(a)(3) have been met, and a waste analysis plan as required under Part 268.4(a)(2). | II  |
| (b) | Evaporation of hazardous constituents is not considered to be treatment for purposes of an exemption under this section.                                                                     | N/A |

268.5 - PROCEDURES FOR CASE-BY-CASE EXTENSIONS TO AN EFFECTIVE DATE

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|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a)-(g) | These sections describe how a person who generates, treats, stores, or disposes of a hazardous waste may submit an application to the Administrator for an extension to the effective date of any applicable restriction established under Subpart C of this Part. | N/A |
| (h)     | Whenever the Administrator established an extension to an effective date, during the period when the extension is in effect:                                                                                                                                       | N/A |
| (1)     | The storage restrictions under Part 268.50(a) do not apply; and                                                                                                                                                                                                    |     |
| (2)     | The hazardous waste may be disposed in a landfill or surface impoundment unit only if such unit is in compliance with the following requirements (generally referred to as MIR):                                                                                   |     |
| (i)     | The landfill, if in interim status, is in compliance with Subpart F of Part 265 and Part 265.301(a), (c), and (d); or                                                                                                                                              | I   |
| (ii)    | The landfill, if permitted, is in compliance with Subpart F of Part 264 and Part 264.301(c), (d), and (e);                                                                                                                                                         | I   |
| (iii)   | The surface impoundment, if interim status, is in compliance with Subpart F of Part 265 and Part 265.221(a), (c), and (d); or                                                                                                                                      | I   |
| (iv)    | The surface impoundment, if permitted, is in compliance with Subpart F or Part 264 and Part 264.221(c) (d), and (e); and                                                                                                                                           | I   |

CLASS

268.5 cont.

- (v) The landfill, if disposing of containerized liquid hazardous waste containing PCBs at levels greater than or equal to 50 ppm but less than 500 ppm, is also in compliance with 40 CFR 761.75 and Parts 264 and 265. I
- (i) Pending a decision on his application, an applicant must comply with all land disposal restrictions once the effective date for the waste has been reached. I

268.6 - PETITIONS TO ALLOW LAND DISPOSAL OF A PROHIBITED WASTE

- (a)-(n) These sections describe how a person may submit a petition to the Administrator regarding an exemption from a prohibition under Subpart C of this Part, for the disposal of a restricted waste. N/A

268.7 - WASTE ANALYSIS \*

- (a) Except as specified in Part 268.32 or Part 268.43, a generator must test his waste or an extract developed using the Toxicity Characteristic Leaching Procedure (TCLP, see Appendix I to Part 268), or use knowledge of the waste to determine if the waste is restricted from land disposal. I
- (1) If a generator determines that he is managing a restricted waste which does not meet applicable treatment standards or complies with prohibitions in Part 268.32 or RCRA Section 3004(d), with each shipment of waste he must notify in writing the treatment or storage facility of the following information: EPA Hazardous Waste Number; applicable prohibitions or treatment standards set forth in Section 268.32; the manifest number associated with each waste shipment; and waste analysis data, where available. I
- (2) If a generator determines that he is managing a restricted waste which can be land disposed without further treatment, with each shipment of waste he must submit to the land disposal facility the notification information cited immediately above in (a)(1), and a signed certification that the waste meets and complies with all applicable treatment standards and prohibitions. This section references the required certification language. I
- \* If any of the notification/certifications required by this Part are found to be false, the violation should be classified as HPV.



CLASS

268.7 cont. \*

- (3) If a generator's waste is subject to a case by case extension under Part 268.5, an exemption under Part 268.6, or a nationwide variance under Subpart C, with each shipment of waste, he must notify the receiving facility his waste is not prohibited from land disposal. The notice must include the following: EPA Hazardous Waste Number; corresponding treatment standards and applicable prohibitions set forth in Section 268.32 or RCRA Section 3004(d); manifest number associated with the waste shipment; waste analysis data, where available; and the date the waste is subject to prohibitions. I
- (4) If a generator determines he is managing a waste that is subject to prohibitions in 268.33(f) and not subject to prohibitions in 268.32, with each waste shipment, he must notify the treatment, storage, or disposal facility, in writing, of any applicable prohibitions set forth in 268.33(f). The notice must include the following information: EPA Hazardous Waste Number; applicable prohibitions in 268.33(f); the manifest number associated with the waste shipment; and waste analysis data, where available. I
- (5) If a generator determines whether his waste is restricted based solely on his knowledge of the waste, all supporting data used in his determination must be maintained on-site in the generators files. If a generator determines whether his waste is restricted based on testing his waste, all waste analysis data must be maintained on-site in the generators files. I
- (6) Generators must retain on-site a copy of all notices, certifications, demonstrations, waste analysis data, and other documentation related to this section for 5 years. I
- (b) Treatment facilities must test their wastes according to the frequency specified in their waste analysis plan (WAP) as required in Parts 264.13 or 265.13. Such testing must be performed as in (b)(1), (b)(2) and (b)(3) below. I
  - (1) Wastes with treatment standards expressed as concentrations in the waste extract (Part 268.41), the treatment facility must test treatment residues or extract of such residues, using TCLP I
- \* If any of the notification/certifications required by this Part are found to be false, the violation should be classified as HPV.

268.7 cont. \*

to assure treatment residues meet applicable treatment standards.

- (2) Wastes that are prohibited under Part 268.32 or RCRA Section 3004(d) but not subject to Subpart D, the treatment facility must test treatment residues according to testing requirements in Part 268.32. I
  - (3) Wastes with treatment standards expressed as concentrations in waste (Part 268.43), the treatment facility must test treatment residues (not an extract) to determine that residues meet treatment standards according to frequency outlined in WAP. I
  - (4) A notice must be sent with each waste shipment to the land disposal facility, which contains the following information: EPA Hazardous Waste Number; the corresponding treatment standards and applicable prohibitions in Parts 268.32 or RCRA Section 3004(d); the manifest number associated with the shipment of waste; and waste analysis data, where available. I
  - (5) The treatment facility must submit a certification with each shipment of waste or treatment residue to the land disposal facility stating that the waste or residue has been treated in compliance with Subpart D and applicable prohibitions in Part 268.32 or RCRA Section 3004(d). I
    - (i) For wastes with treatment standards expressed as concentrations in waste extract or waste (Part 268.41 or 268.43), or for wastes prohibited under Part 268.32; this section references required certification language.
    - (ii) For wastes with treatment standards expressed as technologies (Part 268.42), this section references certification language.
  - (6) If the waste or treatment residue will be further managed at a different treatment or storage facility, the facility sending the waste or residue must comply with the notice and certification requirements applicable to generators. I
- \* If any of the notification/certifications required by this Part are found to be false, the violation should be classified as HPV.

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268.7 cont. \*

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| (7)                                                                                                                       | For wastes that are subject to prohibitions in Part 268.33(f) and not subject to prohibitions in Part 268.32, with each waste shipment, the treatment facility must notify any subsequent treatment, storage, or disposal facility, in writing, of any applicable prohibition in Part 268.33(f). The notice must include the following information: EPA Hazardous Waste Number; applicable prohibitions set forth in Part 268.33(f); manifest number associated with waste shipment; and waste analysis data, where available; | I |
| (8)                                                                                                                       | Where wastes are recyclable materials used in a manner constituting disposal subject to 266.20(b); with each shipment of such wastes, the treatment facility (recycler) must submit a certification describe in (b)(5) of this section, and in (b)(4) of this section (except manifest number) to the Regional Administrator. The recycler must also keep records of the name and location of each entity receiving the hazardous waste-derived product.                                                                       | I |
| (c) The Owner or Operator of any land disposal facility disposing any waste subject to restrictions under this Part must: |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |   |
| (1)                                                                                                                       | Have copies of notices and certifications specified in paragraph (a) or (b) of this section, and Part 268.8.                                                                                                                                                                                                                                                                                                                                                                                                                   | I |
| (2)                                                                                                                       | Test the waste, or an extract of waste or treatment residue using TCLP or any methods required by generators under Part 268.32. This testing must be performed according to the frequency specified in the waste analysis plan.                                                                                                                                                                                                                                                                                                | I |
| (3)                                                                                                                       | Where the land disposal facility is disposing of any waste that is subject to Part 268.33(f) prohibitions but not subject to prohibitions in Part 268.32, he must ensure that waste has been certified according to Part 268.8 prior to disposal.                                                                                                                                                                                                                                                                              | I |

268.8 LANDFILL AND SURFACE IMPOUNDMENT DISPOSAL RESTRICTIONS

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|-----------------|------------------------------------------------------------------------------------------------------------------------------|-----|
| (a)(1) - (a)(2) | This section describes "soft hammer" wastes and required demonstration, certifications, and required certification language. | N/A |
|-----------------|------------------------------------------------------------------------------------------------------------------------------|-----|

\* If any of the notification/certifications required by this Part are found to be false, the violation should be classified as HPV.

CLASS

268.8 cont.

- (3) Where the generator has determined and demonstrated that there is no practically available treatment for his waste prior to disposal, with the initial shipment of waste, the generator must submit a copy of the demonstration and certification required in (a)(2)(i) to the receiving facility. With subsequent waste shipments, only the certification is required to be submitted provided that the conditions remain unchanged. The generator must retain on-site the demonstration and certification required for each waste shipment for 5 years. I
- (4) Where the generator has determined that there is practically available treatment for this waste prior to disposal, with the initial shipment of waste, the generator must submit a copy of the demonstration and certification required in paragraph (a)(2)(ii) to the receiving facility. With subsequent waste shipments, only the certification is required to be submitted provided that the conditions remain unchanged. The generator must retain on-site the demonstration and certification required for each waste shipment for 5 years. I
- (b) After receiving demonstrations & certifications the Regional Administrator may request additional information to evaluate the certification. N/A

  - (1) a generator that submits a certification under this section must immediately notify the Regional Administrator when any change occurs in the conditions which formed the basis of his certification. I
  - (2) The Regional Administrator may invalidate the certification if some other method of practically available treatment yielding greater benefits exists. N/A
  - (3) If the Regional Administrator invalidates a certification, the generator must immediately cease further shipments of the waste, and inform all facilities involved of the invalidation and keep records of such communication on-site. I
- (c) A treatment, recovery, or storage facility receiving wastes subject to valid certification must keep copies of the generators demonstration and certification. I

	<u>CLASS</u>
<u>268.8 cont.</u>	
(1) The treatment or recovery facility must certify that he has treated the waste according with the generator's demonstration. This section references the required certification language.	I
(2) The treatment, recovery, or storage facility must send a copy of the generator's demonstration and certification (if applicable) to the receiving facility.	I
(d) The disposal facility must ensure that "soft hammer" wastes have proper certification prior to disposal in a landfill or surface impoundment, and that these units meet minimum technological requirements (MITR).	I
(e) After the certification is received by the Regional Administrator, and the "soft hammer" waste is treated as indicated by the generator, the waste or residual may be disposed in a landfill or surface impoundment meeting MITR.	N/A

SUBPART B - SCHEDULE FOR LAND DISPOSAL PROHIBITIONS AND ESTABLISHMENT OF TREATMENT RESIDUES

268.10 - IDENTIFICATION OF WASTES TO BE EVALUATED BY AUGUST 8, 1988. N/A

This section lists the above-referenced F, K, P, and U waste codes.

268.11 - IDENTIFICATION OF WASTES TO BE EVALUATED BY JUNE 8, 1989.

This section lists the above-referenced F, K, P and U waste codes. N/A

268.12 IDENTIFICATION WASTES TO BE EVALUATED BY MAY 8, 1990.

This section lists the above-referenced K, P, U and characteristic wastes. This section also references certain wastewaters residues, leachate, and hazardous wastes prohibited from land disposal. N/A

268.13 SCHEDULE FOR WASTES IDENTIFIED AFTER NOV. 8, 1984.

If a "new" hazardous waste is identified, the EPA shall make a land disposal determination within 6 months of the listing. N/A

CLASS

SUBPART C - PROHIBITIONS ON LAND DISPOSAL

268.30 - WASTE SPECIFIC PROHIBITIONS - SOLVENT WASTES

- |         |                                                                                                                                                                                                                                                                                                                                                                                                                                                           |     |
|---------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a)     | Effective November 8, 1986, spent solvent wastes numbers F001, F002, F003, F004, and F005 are prohibited from land disposal (except in injection wells); unless the waste is generated by a small quantity generator, is generated from a CERCLA response action or RCRA corrective action, upon initial generation contains less than 1% total F001 - F005 solvent constituents, or is a treatment residue meeting conditions described in this section. | HPV |
| (b)     | Effective November 8, 1988, F001 - F005 solvent waste listed above <u>are</u> prohibited from land disposal.                                                                                                                                                                                                                                                                                                                                              | HPV |
| (c)-(d) | This section describes certain exemptions and extensions to the requirements of sections (a) and (b) above.                                                                                                                                                                                                                                                                                                                                               | N/A |

268.31 - WASTE SPECIFIC PROHIBITIONS - DIOXIN WASTE

- |         |                                                                                                                                                                                                                      |     |
|---------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a)-(b) | Except for the exemptions and extensions describe in these sections, dioxin-containing wastes (F020, F021, F022, F023, F026, F027, and F028) are being prohibited from land disposal effective November 8, 1988.     | HPV |
| (c)     | Between November 8, 1986, and November 8, 1988, wastes included under (a) may be disposed of in a landfill only if the facility is in compliance with applicable requirements under Parts 268.5(h)(2), 264, and 265. | HPV |
| (d)     | This section describes extensions to (a) and (b) of this part.                                                                                                                                                       | N/A |

268.32 - WASTE SPECIFIC PROHIBITIONS - CALIFORNIA LIST WASTES

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |     |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a) | Effective July 8, 1987, liquid hazardous wastes that have pH less than or equal to 2.0, contains PCBs at concentrations greater than or equal to 50 ppm, or are primarily water and contains HOCs in total concentrations greater than or equal to 1,00 mg/l and less than 10,000 mg/l, are prohibited from land disposal, except in injection wells. The California list also includes liquid hazardous wastes containing free cyanide and certain metals. However, U.S. EPA's July 8, 1987, promulgation of regulation restricting land disposal of California list wastes did not codify prohibition levels and treatment standards for the cyanide and metal wastes. Instead, U.S. EPA published on July 8, 1987, a "Notice of Data Availability" and requested | HPV |
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268.32 cont.

comment on new data to support the lowering of the statutory levels for these wastes. Therefore, because the U.S. EPA intends to address the California list metal and cyanide wastes in a separate final rule, the statutory prohibitions in RCRA Section 3004(d) for these constituents became automatically effective. (See 52 Federal Register 25761).

- (d) Where wastes are soil or debris contaminated with California list wastes not resulting from a CERCLA action or Subtitle C RCRA corrective action, the land disposal prohibitions apply July 8, 1989. Where wastes are soil or debris contaminated with California list wastes resulting from CERCLA response action or Subtitle C RCRA corrective action, the land disposal prohibitions apply Nov. 8, 1990. HPV
- (e) Since November 8, 1988, liquid and non-liquid hazardous waste that contain HOCs in total concentration greater than or equal to 1000 mg/l are prohibited from land disposal. HPV
- (f) Between July 8, 1987, and November 8, 1988, wastes described in section (e) above may be disposed of in a landfill or surface impoundment only if facility is in compliance with the requirements of Part 268.5(h)(2). HPV
- (g) This section describes exemptions and exceptions to the prohibitions listed under sections (a), (d) and (e) above. N/A
- (h) Prohibitions and effective dates specified in paragraphs (a)(3), (d), and (e) of this section do not apply where waste is subject to a Part 268 Subpart C prohibition and and effective date for a specified HOC. N/A
- (i) To determine whether or not a waste is a liquid, the Paint Filter Liquids Test (Method 9095) must be used. I
- (j) This section requires generators to use waste analysis and recordkeeping requirements of Part 268.7. Further, initial generators must test waste (not an extract or filtrate), or use knowledge to determine whether wastes are restricted. Procedures specified in Part 261.22(a)(1) are to be followed for testing of pH levels. Liquid/non-liquid waste exceeding prohibited levels for pH, HOCs, and PCBs are restricted from land disposal, except where excepted under sections (g) and (h) above. I

CLASS

268.33 WASTE SPECIFIC PROHIBITIONS - FIRST THIRD WASTES

- |     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |     |
|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a) | Effective August 8, 1988, the following wastes are prohibited from land disposal (except in injection well): F006 (nonwastewater), K001, K004 (nonwastewater), K008 (nonwastewater), K015, K016, K018, K019, K020, K021 (nonwastewater), K022 (nonwastewater), K024, K025, K030, K036 (nonwastewater), K037, K044, K045, nonexplosive K046 (nonwastewater), K047, K060 (nonwastewater), K061 (nonwastewaters containing less than 15% Zinc), K062, non CaSO <sub>4</sub> K069 (nonwastewaters), K083 (nonwastewaters), K086 (solvent washes), K087, K099, K100, K101, K102, K103, and K104. | HPV |
| (1) | Effective August 8, 1988, until August 7, 1990, K061 wastes containing 15% zinc or greater are prohibited from land disposal and must meet treatment standards specified in 268.41, applicable to K061 wastes that contain less than 15% zinc.                                                                                                                                                                                                                                                                                                                                              | N/A |
| (b) | Effective August 8, 1990, hazardous wastes K048, K049, K050, K051, K052, K061, and K071 are prohibited from land disposal.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | N/A |
| (c) | Effective August 8, 1990, wastes specified in Part 268.10 having a treatment standard in Subpart D based on incineration and which are contaminated soil and debris are prohibited from land disposal.                                                                                                                                                                                                                                                                                                                                                                                      | N/A |
| (d) | Between November 8, 1988, and August 8, 1990, wastes included in paragraphs (b) & (c) above may be landfilled in units which meet Part 268.5(h)(2).                                                                                                                                                                                                                                                                                                                                                                                                                                         | HPV |
| (e) | This section describes some exemptions to paragraphs (a), (b), (c), and (d) above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | N/A |
| (f) | Between August 8, 1988, and May 8, 1990, wastes specified in Part 268.10 for which treatment standards are not applicable, are prohibited from disposal in a landfill or surface impoundment unless waste is subject of a valid demonstration pursuant to Part 268.8. This section also refers to exceptions to this paragraph.                                                                                                                                                                                                                                                             | HPV |
| (g) | To determine whether a hazardous waste found at Part 268.10 exceeds applicable treatment standards in Parts 268.41 and 268.43, the initial                                                                                                                                                                                                                                                                                                                                                                                                                                                  | I   |



268.33 cont.

generator must test a representative sample of waste extract or entire waste depending on whether the treatment standards are expressed as concentrations in extract or waste. If waste contains constituents in excess of applicable Subpart D levels, the waste is prohibited from land disposal.

SUBPART D - TREATMENT STANDARDS

268.40 APPLICABILITY

- |     |                                                                                                                                                                                                                                                                                     |     |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a) | A restricted waste identified in Part 268.41 may be land disposed only if an extract of waste or treatment residue using the test method in Appendix I does not exceed values shown in Table CCWE of Part 268.41 for any hazardous constituent listed in Table CCWE for that waste. | HPV |
| (b) | A restricted hazardous waste for which a treatment Technology is specified under Part 268.42(a) may be land disposed after it is treated using that specified technology or an equivalent method approved by the Administrator under the procedures of Part 268.42(b).              | HPV |
| (c) | A restricted waste identified in Part 268.43 may be land disposed if the constituent concentrations in the waste or treatment residue do not exceed the value shown in Table CCW of Part 268.43 for any hazardous constituent listed in Table CCW for that waste.                   | HPV |

268.41 - TREATMENT STANDARDS

- |     |                                                                                                                                                                                                                   |     |
|-----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a) | Table CCWE identifies restricted wastes and the concentrations of their associated hazardous constituents which may not be exceeded by an extract of a waste or treatment residue for allowable land disposal.    | HPV |
| (b) | When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern. | HPV |

268.42 - TREATMENT STANDARDS EXPRESSED AS SPECIFIED TECHNOLOGIES

- (a)(1) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm but less than 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 761.70 or burned in high efficiency boilers in accordance with the technical requirements of 40 CFR 761.60. Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 500 ppm must be incinerated in accordance with the technical requirements of 40 CFR 716.70. Thermal treatment under this section must also be in compliance with applicable regulations in Parts 264, 265, and 266. HPV
- (2) Non-liquid hazardous wastes containing HOC's in total concentration greater than or equal to 1000 mg/kg and liquid HOC containing wastes that are prohibited under Part 268.32(e)(1) must be incinerated in accordance with requirements of Part 264, Subpart O or Part 265, Subpart O, or in boilers or industrial furnaces burning in accordance with applicable standards. These treatment standards do not apply where the waste is subject to Part 268, Subpart C treatment standards for a specific HOC. HPV
- (b) Any person may submit an application to the Administrator demonstrating that an alternative treatment method can achieve a measure of performance equivalent to that achievable by methods specified in section (a) above provided they follow the criteria listed in this section. Any approval must be stated in writing and may contain such provisions and conditions as the Administrator deems appropriate. The person to whom such approval is issued must comply with all limitations contained in such a determination. N/A

268.43 TREATMENT STANDARDS EXPRESSED AS WASTE CONCENTRATIONS

- (a) Table CCW identifies the restricted wastes and the concentrations of their associated hazardous constituents which may not be exceeded by the waste or treatment residue for allowable land disposal. HPV
- (b) When wastes with differing treatment standards for a constituent of concern are combined for purpose of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern. HPV

268.44 - VARIANCE FROM A TREATMENT STANDARD

- (a) A generator or treatment facility may petition the N/A

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268.44 cont.

Administrator for a variance from the treatment standard where the waste cannot meet the treatment standard.		
(b)	Each petition must be signed in accordance with the procedures in Part 260.20.	II
(c)	Each petition must include a certification statement signed by the petitioner or an authorized representative.	II
(d)-(e)	EPA processing procedures.	N/A
(f)	A generator, treatment, or disposal facility that is managing a waste covered by a variance from the treatment standards must comply with the waste analysis requirements for restricted wastes found under Part 268.7.	I
(g)	During the petition review process an applicant must comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached.	HPV
(h)	Where the treatment standard is expressed as a concentration in a waste or waste extract, and a waste generated cannot be treated to the specified level, the generator or treatment facility may apply for a site-specific variance.	N/A
(i)	Each application for a site-specific variance from a treatment standard must include the information in Part 260.20(b)(1)-(4).	II
(j)	After receiving an application for a site-specific variance, the Assistant Administrator may request additional information or samples.	N/A
(k)	A generator, treatment, or disposal facility that is managing a waste covered by a site-specific variance must comply with the waste analysis requirements for restricted wastes found under Part 268.7.	I
(l)	During the application review process, the applicant for site-specific variance must comply with all restrictions on land disposal under this part once the effective date for the waste has been reached.	HPV

SUBPART E - PROHIBITION ON STORAGE OF RESTRICTED WASTE

CLASS

268.50 - STORAGE PROHIBITIONS

- |        |                                                                                                                                                                                                                                                                                                                                                                                                             |     |
|--------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|
| (a)(1) | A generator may store hazardous waste in tanks and containers on-site solely for the purpose of the accumulation of such quantities of restricted waste as necessary to facilitate proper recovery, treatment, or disposal if the generator complies with Part 262.34. A generator must attain interim status if he stores restricted waste greater than 90 days.                                           | I   |
| (2)    | An O/O of a hazardous waste treatment, storage, or disposal facility may store hazardous waste in tanks and containers as necessary to facilitate proper recovery, treatment, or disposal provided that:                                                                                                                                                                                                    |     |
| (i)    | Each container is clearly marked to identify its contents and the date each period of accumulation begins.                                                                                                                                                                                                                                                                                                  | I * |
| (ii)   | Each tank is clearly marked with a description of its contents, quantity of hazardous waste received, and the date when each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the facility. Regardless of whether the tank is marked, the O/O must comply with the operating record requirements specified in Parts 264.73 or 265.73. | I * |
| (3)    | A transporter who stores manifested waste shipments of restricted hazardous waste at a transfer facility may do so only for 10 days or less.                                                                                                                                                                                                                                                                | I   |
| (b)    | An O/O of a treatment, storage and disposal facility may store restricted hazardous waste for up to one year unless U.S. EPA can demonstrate that such storage was not solely for the purposes of accumulating such quantities of waste as are necessary to facilitate proper recovery, treatment, or disposal.                                                                                             | I   |
| (c)    | An O/O of a treatment, storage or disposal facility may store restricted hazardous waste beyond one year, but the O/O bears the burden of proving that storage was solely for the purpose of accumulating such quantities as are necessary to facilitate proper recovery, treatment or disposal.                                                                                                            | I   |
| (d)    | The prohibition under section (a) above does not apply to wastes which are subject of an approved petition under                                                                                                                                                                                                                                                                                            | N/A |
| *      | Class II if the required information is in the operating record.                                                                                                                                                                                                                                                                                                                                            |     |

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268.50 cont.

Part 268.6 or a nationwide variance contained in Subpart C of this part or an approved case-by-case extension under Part 268.5, or a valid certification under Part 268.8.

- (e) The prohibition under section (a) above does not apply to hazardous wastes that meet the treatment standards specified under Parts 268.41, 268.42 and 268.43, or the treatment standards specified under the variance in Part 268.44, or, where treatment standards have not been specified, is in compliance with the applicable prohibitions specified in Part 268.32 or RCRA Section 3004.

N/A

- (f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b) and must be removed from storage and treated or disposed as required by this part within one year of the date when such wastes are first placed into storage. The provisions of section (c) above do not apply to such PCB wastes prohibited under Part 268.32.

N/A

APPENDIX I TO PART 268 - TOXICITY CHARACTERISTIC LEACHING PROCEDURE (TCLP)

The TCLP is designed to determine the mobility of both organic and inorganic contaminants present in liquids, solid, and multiphase wastes. This appendix details the lab methods for the TCLP.

N/A

PART 270 - HAZARDOUS WASTE PERMIT

270.14 - CONTENTS OF PART B: GENERAL REQUIREMENTS

- (b)(21) For land disposal facilities, if a case-by-case extension has been approved, or a petition has been approved, a copy of the notice of approval for the extension or the petition is required.

II

270.42 - MINOR MODIFICATIONS TO PERMITS

A permit may be notified without the following procedures of Part 124 for the following:

- (o) Treatment of hazardous waste not previously specified in the permit will be allowed only if:

II

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- (1) The hazardous waste has been prohibited from one or more methods of land disposal under Part 268 Subpart C or RCRA Section 3004;
  - (2) Treatment is in accordance with Part 268.4 (if applicable), Part 268.3; and
    - (i) Treatment is in accordance with applicable standards established under Parts 268.41, 268.42 or 268.44; or
    - (ii) Where no treatment standards have been established, treatment renders the waste no longer subject to the applicable prohibitions set forth in Part 268.32 or RCRA Section 3004.
  - (3) Handling and treatment of restricted waste will not present substantially different risks from those of wastes listed in the permit.
  - (4) Federal or state approval of a minor permit modification request is approved. No permit changes can occur except for the addition of new waste codes and administrative and technical changes necessary to handle the new wastes.
- (p) Permitted facilities are allowed to change their operations to treat or store hazardous waste subject to the land disposal restrictions imposed by Part 268 or RCRA Section 3004 provided such treatment or storage occurs in containers or tanks and the permittee: I
- (1) Requests a major permit modification pursuant to Parts 124.5 and 270.41;
  - (2) Demonstrates in the major permit modification request that the treatment or storage is necessary to comply with the land disposal restrictions of Part 268 or RCRA Section 3004; and
  - (3) Ensures that the treatment or storage units comply with the applicable Parts 265 and 268 standards pending final Administrative disposition of the major modification request. The authorization to make such changes terminates upon final disposition of the permittee's major modification request.

270.72 - CHANGES DURING INTERIM STATUS

- (e) In no event shall changes be made to a HWM facility during interim status which amount to reconstruction of the facility. Reconstruction occurs when the capital investment in the changes to facility exceeds fifty percent of the capital costs of a comparable entirely new HWM facility. Changes prohibited under this paragraph do not include changes to treat or store in containers or tanks, hazardous wastes subject to land disposal restrictions imposed by Part 268 or RCRA Section 3004, provided changes are made solely for the purpose of complying with Part 268 or Section 3004. I