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TITLE: Clarification on the Disposal of Nonhazardous
Liquid Wastewaters and Sludges in Sanitary
Landfills Under RCRA and HSWA

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ORIGINATING OFFICE: Office of Solid Waste

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STATUS:

- ☐ A- Pending OMB approval
- ☐ B- Pending AA-OSWER approval
- ☐ C- For review &/or comment
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REFERENCE (other documents):

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Key Words: Liquids Wastes, Sanitary Landfills, HSWA, Municipal Landfill

Regulations: 40 CFR 257, 264.314, 265.314, 264.301(a)

Subject: Clarification on the Disposal of Nonhazardous Liquid Wastewaters and Sludges in Sanitary Landfills Under RCRA and HSWA

Addressee: Kevin Bromberg, Small Business Administration, 1725 I Street, SW, Washington, DC 20416

Originator: John H. Skinner, Director, Office of Solid Waste

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Summary:

40 CFR Part 257 established criteria on performance standards for sanitary landfills. The owner/operator must determine the specific design and operating practices needed to meet the criteria. The design and operating practices may be specified by the State, through State regulations or State issued permits. Under the recent RCRA Amendments, the Agency must review the adequacy of the criteria in protecting human health and the environment and make revisions as necessary. The Amendments do not specifically address the issue of liquids in sanitary landfills.

The Amendments do, however, specifically address the placement of non-hazardous liquids in hazardous waste landfills. Sections 264.314(e) and 265.314(f) prohibit, effective 11/8/85, the placement of any liquid which is not a hazardous waste in a landfill, unless the owner or operator of such landfill demonstrates to the Regional Administrator, or the Regional Administrator determines, that:

- 1) The only reasonable available alternative to the placement in such landfills is placement in a landfill or unlined surface impoundment, whether or not permitted or operating under interim status, which contains, or may reasonably be anticipated to contain, hazardous wastes; and
- 2) Placement in such owner or operator's landfill will not present a risk of contamination of any underground source of drinking water (as that term is defined in §144.3 of the code of federal regulations).

* Future guidance to follow.

JAN 22 1985

Mr. Kevin Bromberg
Small Business Administration
1725 I Street, S.W.
Washington, D. C. 20416

Dear Mr. Bromberg:

I am responding to the December 31, 1984, letter that I received from Mr. Chuck Marshall (JACA Corporation) requesting information on the disposal of nonhazardous liquid wastewaters and sludges in sanitary landfills under the "old RCRA law" and "new RCRA law."

The Federal Government has no specific regulations on the disposal of bulk or containerized nonhazardous liquids in sanitary (nonhazardous waste) landfills. The EPA "Criteria" or guidelines regarding sanitary landfills were issued under Subtitle D of RCRA on September 13, 1979, in 40 CFR Part 257. These Criteria, in general, establish performance standards for sanitary landfills. Specific design and operating practices needed to meet the performance standards must be determined by the facility owner or operator and may be specified by the State through State regulations or State-issued permits. Restrictions on liquids or certain liquids in landfills may be needed at specific sites, depending on the facility design and location, in order to meet the Criteria performance standards. To get current information on State requirements, you should check with the State agencies (list of State agencies is enclosed).

Under the recent RCRA amendments, EPA is to review the adequacy of the Criteria in protecting human health and the environment and to make revisions as necessary. The RCRA amendments do not specifically address the issue of liquids at sanitary landfills.

Regulations regarding the disposal of nonhazardous liquid wastes at hazardous waste landfills were issued under Subtitle C of RCRA in 40 CFR 264.314 and 265.314. EPA's current requirement is that nonhazardous liquids, in a bulk form, cannot be placed into a hazardous waste landfill unless:

- 1) The landfill has a synthetic liner and a functioning leachate collection and removal system, as per §264.301(a), or
- 2) Before disposal, the bulk liquids or free liquids are treated or stabilized so that free liquids are no longer present.

In regard to the disposal of containerized nonhazardous liquids in hazardous waste landfills, EPA's current requirement is that all free-standing liquids must be removed from the container before the waste is placed in the landfill.

The RCRA amendments will change the rules regarding the disposal of nonhazardous liquids in hazardous waste landfills. The amendments require that 12 months after enactment (November 9, 1985), the placement of any liquid that is not a hazardous waste in a landfill for which a permit is required under §3005(c) or which is operating pursuant to interim status granted under §3005(e) is prohibited, unless the owner or operator demonstrates specific items to the Administrator (see enclosure).

If you have any further questions concerning this letter, you may contact Mr. Paul Cassidy of my staff at 382-4682.

Sincerely,

John H. Skinner
Director
Office of Solid Waste

Enclosure

cc: Chuck Marshall