



DIRECTIVE NUMBER: 9487.05(85)

TITLE: Use of Absorbents for Containerized Liquid
Hazardous Wastes

APPROVAL DATE: 9-20-85

EFFECTIVE DATE: 9-20-85

ORIGINATING OFFICE: Office of Solid Waste

☒ **FINAL**

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STATUS:

- | | |
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| [] | A- Pending OMB approval |
| [] | B- Pending AA-OSWER approval |
| [] | C- For review &/or comment |
| [] | D- In development or circulating headquarters |

REFERENCE (other documents):

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Key Words: Containers, Absorbents

Regulations: 40 CFR 264.314, 265.314

Subject: Use of Absorbents for Containerized Liquid Hazardous Wastes

Addressee: Robert M. Pyle, President, MPF Services Incorporated,
112 West 9th Street, Suite 615 Los Angeles, California 90015

Originator: John P. Lehman, Director, Waste Management and Economics Division

Source Doc: #9487.05(85)

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Summary:

This letter clarifies the use of absorbents for containerized hazardous wastes. Pursuant to requirements in 3004/(c)(2) of HSWA, EPA will promulgate regulations prohibiting the disposal of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed.

SEP 20 1985

Mr. Robert M. Pyle
President
MPF Services Incorporated
112 West 9th Street, Suite 615
Los Angeles, California 90015

Dear Mr. Pyle:

This is in response to your letter of August 29, 1985, requesting clarification of the use of absorbents for containerized liquid hazardous wastes.

The RCRA Hazardous and Solid Waste Amendments of 1984 (see Section 3004(c)(2) attached) require that not later than 15 months after the date of enactment (February 8, 1986), the Administrator shall promulgate final regulations which minimize the presence of free liquids in containerized hazardous waste to be disposed of in landfills. The regulations shall also prohibit the disposal of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed.

You requested clarification concerning what the February 8, 1986, effective date means in terms of compliance. The provision requires the Administrator to promulgate final regulations. This provision, unlike others, does not contain a "hammer;" i.e., the provision does not go into effect automatically. The provision requires EPA to issue final regulations before this provision becomes effective. Until such time as a final promulgation becomes effective, industry does not have to comply with this provision.

Until the effective date of final regulations issued by the Agency, the current requirements contained in Sections 264.314 and 265.314 (attached) concerning containerized hazardous liquids will remain in effect. The current requirements do not prohibit the use of absorbents nor do they restrict the type of absorbent that can be used. I do wish to point out that, and although not prohibited in the current regulations, the Agency strongly advises against the use of biodegradable absorbents such as shredded paper or sawdust. We believe that good management practices should not allow biodegradable absorbents to be used because of their ability to degrade and release liquids and hazardous constituents. Likewise, we believe absorbents that do not have structural stability (i.e., that behave like a sponge and release liquids under pressures found in a landfill) should not be used.

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The last point on which you requested clarification concerned the substance of the final regulations to be published by the Agency to implement §3004(c)(2). Section 3004(c)(2) requires EPA to "prohibit the disposal in landfills of liquids that have been absorbed in materials that biodegrade or that release liquids when compressed as might occur during routine landfill operations. Clearly, Congress intended to allow the use of acceptable physical treatment under §3004(c)(2) for containerized liquids as contrasted to the chemical treatment implied by the requirement in §3004(c)(1) for bulk hazardous liquid wastes. It appears, at this time, that the final regulations for §3004(c)(2) will not require chemical treatment of containerized liquids.

Thank you for your interest in this issue. Should you have additional questions, please contact Mr. Paul Cassidy at (202) 382-4682.

Sincerely,

JS

John P. Lehman
Director
Waste Management and
Economics Division

Attachments

bcc: Ken Shuster
Art Day
Paul Cassidy