

9553.1987(03)

January 20, 1987

Mr. B.B Meyer  
Aerojet-General  
Sacramento Environmental Operations  
Post Office Box 15699c  
Department 1520, Building 46010  
Sacramento, California 95813

Dear Mr. Meyer:

This is in response to your December 15, 1986 letter to Eileen Claussen requesting that the Agency clarify its regulatory interpretation of voluntary treatment prior to land disposal. Your example is that of having a waste which contains less than 1 percent F001-F005 spent solvents and is eligible for the two-year variance, but the generator voluntarily treatments the waste prior to land disposal, either to reduce the solvent content or to reduce other hazardous properties of the waste. Your question is then, would the treatment residual then be required to meet the treatment standards of 40 CFR 268 Subpart D prior to land disposal?

In general, the answer to the question above is yes; by the ban effective dates all hazardous wastes not treated to the specified treatment levels are prohibited from land disposal. Specifically, if the generator voluntarily treats the F001-F005 spent solvents using the best demonstrated available technology (BDAT), and the treatment residual contains less than 1 percent F001-F005 spent solvents, the treatment residual can be land disposed until November 8, 1988. After November 8, 1988, however, if the treatment residual does not meet the treatment standard as specified in 40 CFR 268 D Subpart D, Aerojet-General can either apply for a treatability variance, submit a no-migration petition or continue to treat your wastes to the specified treatment levels prior to land disposal.

Similarly, if the "other hazardous properties", i.e. ignitability, are treated and the treatment residual somehow is concentrated and thus contains more than one percent F001-F005 spent solvents, the treatment residual must be either treated to the specified treatment levels prior to land disposal, or Aerojet-General can apply for a treatability variance, or submit a no-migration petition. If the treatment residual contains less

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than one percent F001-F005 spent solvents, land disposal can occur until November 8, 1988. On the other hand, if through the use of BDAT the treatment residual is rendered noncharacteristic, i.e. nonignitable, and thus is nonhazardous the waste will no longer be subject to the land disposal restrictions.

If you have any further questions please call either Jacqueline Sales or myself at (202) 382-4770.

Sincerely,

Stephen Weil, Chief  
Land Disposal Restrictions Branch

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