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LIQUID HAZARDOUS WASTES IN LANDFILLS

Mr. Peter S. Daley
Director, Research and Development
Chemical Waste Management, Inc.
Technical Center
150 West 137th Street
Riverdale, Illinois 60627

Dear Mr. Daley:

This is in response to your letter of June 24, 1985, in which you requested clarification of a number of procedural matters dealing with the management of liquid hazardous wastes in landfills.

Your first issue concerns the use of the Paint Filter Liquids Test for containerized materials. You are correct in your understanding that the Paint Filter Liquids Test (Federal Register, April 30, 1985) applies to containerized materials only as a means to verify, where needed, that there are no "free-standing" liquids. The current regulations (§264.314 and 265.314) prohibit the disposal in landfills of "free-standing liquids" in containers, not "free liquids" (see 47 Federal Register 12316, March 22, 1982). The March 22 preamble described free-standing liquids as those that form distinct pools or layers above or below the waste in a container. The preamble further states that where it is difficult to determine whether a layer is a free-standing liquid, the paint filter test can be used. Where there are no distinct layers or pools of liquid at the surface or within the waste there are no free-standing liquids. Free-standing liquids are a subset of free liquids. Thus, the waste might contain free liquids (in accordance with the Paint Filter Liquids Test) but might not be classified as containing free-standing liquid. On the other hand, all free-standing liquids are free liquids.

In the March 22, 1982, rule and preamble, the Agency stated that landfill operators should use readily available, technically feasible techniques, such as decanting of free-standing liquids from containers or other removal methods, or absorbing or solidifying

the free-standing liquids in containers, to eliminate free-standing liquids prior to landfilling. In most cases, determining the presence or absence of free-standing liquids will not be difficult. Where it is difficult to determine whether a given substance is a free-standing liquid, the preamble stated that the paint filter test can be used.

The promulgation of the Paint Filter Liquids Test on April 30, 1985, does not change how the current requirements for containers (i.e., free-standing liquids) should be complied with. Your suggestion to supplement visual inspections with routine paint filter testing is a good quality control practice.

Your second issue concerns the stabilization of liquids standing on bulk loads manifested as solids. You state that these liquids could be the result of rain, snow, or transportation vibrations, and that this occurrence can be especially troublesome at sites without treatment permits if stabilization of this liquid in situ is considered "treatment." You propose to apply a stabilization agent to these standing liquids on bulk loads and verify the effectiveness of this action by the use of the Paint Filter Liquids Test rather than turning away such loads at the gate. If the standing liquid layer is not poured off or decanted, then your concept of applying a stabilization agent to the surface of the load can be performed. However, as you pointed out, this treatment would require a treatment permit. There is no exemption or exception to the treatment definition for the chemical treatment of bulk liquids.

A facility that does not have a treatment permit may be able to use the exemption that applies to wastes and absorbents when they are added to a container for the first time (§270.1(c)(2)(vii)). (See 47 Federal Register 8304). If the standing liquid on the bulk load can be decanted or otherwise removed, this liquid can be placed in a container with absorbents, or an absorbent can be added without requiring a treatment permit. The disposal of the container must comply with the current requirements for containers.

Another provision in the regulations allows the use of new treatment processes at interim status facilities to facilitate compliance with new regulatory provisions. Under

§270.72(c), an owner or operator of a hazardous waste management facility having interim status may file an amended Part A application for a change in treatment, storage, or disposal processes, or the addition of such processes, if the change is necessary to comply with Federal regulations or State or local laws. Any such change in the Part A would have to be approved by EPA or an authorized State.

As a matter of clarification, we assume that by "in situ" you mean the waste is treated in the bulk container or other container, tank, or device, and do not mean treatment in the landfill since all bulk hazardous wastes must be treated prior to placement in the landfill.

Your third issue concerns the disposal of bulk liquid wastes to which the generator has added an absorbent. You believe that such waste can be chemically stabilized through the addition of sufficient stabilization reagents, and that the resulting product will pass the Paint Filter Liquids Test. You asked for guidance on the acceptability of this.

Based on the recent amendments to the Resource Conservation and Recovery Act (RCRA), we believe the Congress intended that liquid wastes that can be safely incinerated or otherwise treated or that can be reclaimed and reused, especially organic liquids, should be so treated or reclaimed. Further, we believe the language of Section 3004(c)(1) or RCRA prohibiting the landfilling of liquids that are solely treated by the use of absorbents is intended to encourage such treatment or reclamation. Therefore, generators should be discouraged from simply adding absorbent materials to such wastes.

On the other hand, Congress also intended that the ban on landfilling absorbent-treated liquid waste should not be construed to restrict the landfilling of chemically stabilized or treated wastes. Therefore, it is our belief that bulk liquid wastes to which an absorbent has been added can be chemically stabilized and can be landfilled after being stabilized. We believe this type of activity is consistent with the intent of Congress and is acceptable as long as the chemical stabilization is in compliance with the bulk hazardous liquid waste guidance (e.g., the treated waste passes the Paint Filter Liquids Test).

Your fourth and last issue concerns the containerization and solidification of bulk liquid wastes. You asked whether on a non-routine basis, certain bulk wastes could be solidified and landfilled in containers. This is allowable under our interpretation of the statute. Disposal of these containers in the landfill must, of course, comply with the current disposal requirements for containers (40 CFR 264.314 or 265.314).

I hope these responses fully answer your questions; if you should have additional concerns or comments, please feel free to contact Mr. Paul Cassidy of my staff, at 202-382-4682.

The Agency is still considering all comments, including yours, that have been received on the bulk hazardous liquid waste guidance. We hope to issue revised guidance as soon as possible.

Sincerely,

John P. Lehman
Director
Waste Management and
Economics Division

cc: Ken Shuster
Paul Cassidy
Barbara Pace
RCRA Division Directors: Regions I - X

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