

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT  
September 2000

**2. Land Disposal Restrictions for Imported Hazardous Wastes**

*A facility located in Canada generates a waste that exhibits the toxicity characteristic for lead (D008). Prior to exporting the waste to a permitted disposal facility in the United States, the generator decharacterizes the D008 waste by mixing it with a solid waste. Do the land disposal restrictions (LDR) in 40 CFR Part 268 apply to the waste after it is imported into the United States?*

If a characteristic waste is decharacterized prior to entering the United States and is not otherwise hazardous, the waste is not subject to the LDR treatment standards or paperwork requirements. Although the land disposal restrictions attach at the point a hazardous waste is generated, the RCRA regulations can only apply to parties in the United States. When hazardous waste is imported from Canada, the U.S. importer must comply with all applicable RCRA requirements, including the hazardous waste identification procedures for generators found in §262.11. If the importer finds that the waste is not hazardous at the point it enters the United States, the LDR requirements do not apply to the waste. On the other hand, importers of hazardous waste must comply with all applicable RCRA requirements, including LDR and the special requirements for importers of hazardous waste.