



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

ERID # 87382

APR 16 1991

OFFICE OF
GENERAL COUNSEL

MEMORANDUM

SUBJECT: LDR Applicability for Investigative Derived Waste

FROM: Caroline H. Wehling ^{CW}
Attorney
Solid Waste and Emergency
Response Division (LE-132S)

TO: Steven C. Golian
Chief
Remedial Guidance Section (OS-220)

This is in response to your request for guidance on compliance with land disposal restrictions for investigative-derived wastes which are temporarily stored in drums within an AOC pending response selection. Specifically you have asked whether a drum is in itself a RCRA "unit" such that, if waste is removed from the drum, it must meet LDR requirements prior to redeposition in the AOC.

I agree that, in certain circumstances, the placement of hazardous waste from an AOC into a drum within the AOC, followed by replacement in the AOC would not constitute "land disposal" for RCRA purposes. For RCRA regulatory purposes, "land disposal" is the placement of waste into a land disposal unit (such as an AOC). Land disposal of hazardous wastes is subject to the pretreatment requirements of the LDR program. Movement of hazardous waste from a storage unit (such as a tank or container storage area) into a land disposal unit constitutes "land disposal" of hazardous waste.

As we have discussed, a drum is not in itself a RCRA unit. See 40 C.F.R. 260.10 (definition of "hazardous waste management unit"). However, drums and the land on which drums are placed may constitute a RCRA storage unit, specifically a "container storage area". Thus, if the drum storage you described involved the placement of hazardous waste into drums within a separate storage or treatment area, either on land within the AOC or on a pad, the removal of waste and replacement into the AOC could



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constitute land disposal. On the other hand, EPA does not generally consider drums placed within a landfill to form "container storage areas". Thus, if waste is placed into drums which remain within the AOC and which are not placed into a separate storage or treatment area, such placement would not be considered a unit distinct from the landfill itself. As a result, removal of waste from the drums and redeposition within the landfill would not constitute land disposal.

Please call me if you have any additional questions about this. I can be reached at FTS 382-7720.

cc: Tina Kaneen, OGC
Larry Starfield, OGC
George Wyeth, OGC
John Hollister, OERR
✓ Dave Fagan, OSW