

<u>SUBJECT</u>		<u>DATE</u>
1448. Definitions of Inactive Portion, Active Portion and Closed Portion of a RCRA TSDF		AUG 12, 2021
1449. Dangerous Waste Designations and Dangerous Waste Code Determinations		AUG 19, 2021
1450. Method Detection Limits and Hazardous Waste Determinations	ENCORE	AUG 26, 2021
1451. Method Detection Limits and Hazardous Waste Determinations II	ENCORE	SEP 2, 2021
1452. Totals Analysis vs. TCLP and Dividing by 20	ENCORE	SEP 9, 2021
1453. Decharacterized RCRA Waste - Manifesting and LDR Reporting	ENCORE	SEP 16, 2021
1454. Decharacterized Hazardous Waste Listed Solely for Non-Toxic Characteristics	ENCORE	SEP 23, 2021
1455. Decharacterized Wastes and the LDR Dilution Prohibition	ENCORE	SEP 30, 2021
1456. The "Derived from Rule", the "Mixtures Rule", and the "Contained-In Policy"	ENCORE	OCT 7, 2021
1457. Hazardous Debris and Options to Exclude as a Dangerous Waste		OCT 14, 2021
1458. Regulatory Status of Characteristic Baghouse Dust Destined for Reclamation		OCT 21, 2021
1459. RCRA Point of Generation and Baghouse Dust Collection Systems		OCT 28, 2021
1460. Pumps Containing Liquid Hazardous Wastes and Liquids in Landfill Prohibition	ENCORE	NOV 4, 2021
1461. Pumps Containing Liquid Hazardous Waste and Land Disposal Restrictions	ENCORE	NOV 11, 2021
1462. Pumps Containing Liquid Hazardous Wastes and RCRA Empty Containers		NOV 18, 2021
1463. Multiple Characteristic Hazardous Waste Codes and Underlying Hazardous Constituents	ENCORE	NOV 23, 2021
1464. LDR Notifications/Certifications and Generator Permitted Treatment, Storage, or Disposal Facility	ENCORE	DEC 2, 2021
1465. Multiple Characteristic and Listed Hazardous Waste Codes and the "in lieu of" LDR Principle	ENCORE	DEC 9, 2021
1466. Universal Wastes - Recycling versus Disposal	ENCORE	DEC 16, 2021
1467. 'Twas the Night Before Christmas – The Twenty-Eighth Edition		DEC 24, 2021
1468. Spent Lead Acid Batteries vs., Universal Wastes	ENCORE	DEC 30, 2021
1469. Hazardous Debris and Radioactively Contaminated Cadmium Batteries	ENCORE	JAN 6, 2022
1470. Hazardous Debris and Radioactively Contaminated Lead-Acid Batteries	ENCORE	JAN 13, 2022
1471. Mercury Wet Cell Batteries - Debris or Not Debris	ENCORE	JAN 20, 2022
1472. Hazardous Debris and Non-Radioactive Lead Acid Batteries	ENCORE	JAN 27, 2022
1473. Hazardous Debris and LDR High/Low Mercury Subcategories	ENCORE	FEB 3, 2022
1474. Central Accumulation Areas and the ≤90-day Time Frame	ENCORE	FEB 10, 2022
1475. Central Accumulation Areas with Satellite Accumulation		FEB 17, 2022
1476. Definition of RCRA Empty Tank	ENCORE	FEB 24, 2022
1477. RCRA Empty Acutely Hazardous Waste Containers	ENCORE	MAR 3, 2022
1478. The RCRA Definition of Acute Hazardous Waste		MAR 10, 2022
1479. Regulatory Status of Liquids and Solids Separated from D001 High TOC Wastes	ENCORE	MAR 17, 2022

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TWO MINUTE TRAINING

TO: CENTRAL PLATEAU CLEANUP COMPANY

FROM: PAUL W. MARTIN, RCRA Subject Matter Expert
CPCCo Environmental Protection, Hanford, WA

SUBJECT: REGULATORY STATUS OF LIQUIDS AND SOLIDS SEPARATED FROM D001 HIGH TOC WASTES

DATE: MARCH 17, 2022

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TWO MINUTE TRAINING

SUBJECT: Regulatory Status of Liquids and Solids Separated from D001 High TOC Wastes

Q: A customer generates a D001 high total organic carbon (TOC) sludge. Due to distinct physical phases in the sludge the customer is able to separate a liquid and solid phase. The liquid phase continues to exhibit the characteristic of ignitability and thus continues to be classified as a D001 high TOC. The solid phase, however, does not exhibit the characteristic of ignitability or any other characteristic of hazardous waste or WA State criteria for dangerous waste. Can the customer manage the noncharacteristic solid phase at a Subtitle D nonhazardous waste facility rather than at a Subtitle C hazardous waste facility?

A: Per an EPA RCRA Hotline Summary dated September 1990 ([RO 13404](#)), it states:

“The noncharacteristic solid phase would no longer be regulated under Subtitle C. EPA considers processes that separate phases of a waste, in this case a solid and an ignitable liquid, to be recovery and hence an acceptable form of pretreatment provided that the remaining material that exhibits the characteristic is treated by the required technology ... ”

“Moreover, the notification/certification requirements of [Part 268](#) would not attach to the non-hazardous solid; however, this paperwork would follow the remaining hazardous material (e.g., the ignitable liquid) to the treatment facility.”

Therefore the customer could manage the noncharacteristic solid phase as a nonhazardous waste at a Subtitle D facility. The liquid phase would require management as a D001 High TOC waste at a Subtitle C facility and be subject to the applicable land disposal restrictions standards of [40 CFR 268.40](#).

Note that “pretreatment” can meet the definition of “treatment” per [40 CFR 260.10](#) requiring treatment permits or use of the generator’s on-site treatment exemption found at [WAC 173-303-200 \[40 CFR 262.17\]](#).

SUMMARY:

- Separation of D001 high TOC liquids from nonhazardous solids is acceptable pretreatment.
- The D001 high TOC liquids would continue to be RCRA regulated following phase separation.
- The nonhazardous solids would not be RCRA regulated following phase separation if no other listings, characteristics of hazardous waste, or WA State criteria applied.

The September 1990 RCRA/SUPERFUND Hotline Summary is attached to the e-mail. If you have any questions, please contact me at [Paul W Martin@rl.gov](mailto:Paul.W.Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 3/17/2022

FILE: 2MT\2022\031722.rtf

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: Regulatory Status of Liquids and Solids Separated from D001 High TOC Wastes

9551.1990(03)

RCRA/SUPERFUND HOTLINE SUMMARY

SEPTEMBER 1990

I. SIGNIFICANT QUESTIONS AND RESOLVED ISSUES-SEPTEMBER 1990

RCRA

1. Pretreatment of Characteristic Wastes Subject to Land Disposal Restrictions

A Treatment, Storage and Disposal Facility (TSDF) receives an ignitable waste (D001) from a generator. The waste, which is identified as high Total Organic Carbon (TOC) D001 has a specified technology of fuel substitution, recovery of organics, or incineration as methods for treating the waste. Prior to introduction to one of these technologies, the TSDF pretreats the material by filtering or decanting the waste and separating it into a liquid and a solid phase. The solid phase, upon testing, does not exhibit the characteristic of ignitability. Would that portion of the waste that no longer exhibits a characteristic not be subject to Subtitle C regulation and the notification/certification requirements of Section 268.7 even though the waste was not treated by the specified technology indicated in Section 268.42?

The noncharacteristic solid phase would no longer be regulated under Subtitle C. EPA considers processes that separate phases of a waste, in this case a solid and an ignitable liquid, to be recovery and hence an acceptable form of pretreatment provided that the remaining material that exhibits the characteristic is treated by the required technology ([June 1, 1990; 55 FR 22544](#)). In this example, the non-characteristic solid, assuming it is not hazardous for any other reason, would pass from Subtitle C into Subtitle D solid waste regulations. This would be the case for any aqueous, liquid, or solid material which, as a result of pretreatment, no longer exhibits a characteristic. Moreover, the notification/certification requirements of Part 268 would not attach to the non-hazardous solid; however, this paperwork would follow the remaining hazardous material (e.g., the ignitable liquid) to the treatment facility. Once the ignitable liquid is treated and no longer exhibits the characteristic, then the paperwork would be forwarded on to the Regional Administrator and the remaining waste (e.g., any ash resulting from the treatment of the liquid) sent to a Subtitle D facility per Section 268.9(d).

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RO 13404

<https://rcrapublic.epa.gov/rcraonline/details.xhtml?rcra=13404>