

<u>SUBJECT</u>		<u>DATE</u>
1448. Definitions of Inactive Portion, Active Portion and Closed Portion of a RCRA TSD		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
1480. Generator Accumulation at a Permitted Storage Facility		MAR 24, 2022
1481. Generator Accumulation and Maximum Inventory of Dangerous Waste Onsite at a RCRA TSD		MAR 31, 2022
1482. LDR Storage Prohibitions and the One-Year Rule	ENCORE	APR 7, 2022
1483. LDR Storage Prohibitions and Treated Hazardous Wastes	ENCORE	APR 14, 2022
1484. LDR Storage Prohibitions and Treated Hazardous Debris or Contaminated Soil	ENCORE	APR 21, 2022
1485. Satellite Accumulation, the Three-Day Rule, and Washington State vs. EPA	ENCORE	APR 28, 2022
1486. Satellite Accumulation Areas and the Three-Day Accumulation Time Limit	ENCORE	MAY 5, 2022
1487. Satellite Accumulation Areas and the Three-Day vs., the 72-Hour Accumulation Time Limit		MAY 12, 2022
1488. RCRA and New Point of Generation	ENCORE	MAY 19, 2022
1489. High Mercury vs. Low Mercury and Point of Generation	ENCORE	MAY 26, 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: HIGH MERCURY VS. LOW MERCURY AND POINT OF GENERATION

DATE: MAY 26, 2022

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TWO MINUTE TRAINING

SUBJECT: High Mercury vs. Low Mercury and Point of Generation

Q: A customer generates an acidic, organic mercury waste with the RCRA hazardous waste codes of D002 and D009. Per the land disposal restrictions (LDR) at [40 CFR 268](#) the waste is a nonwastewater in the organic, high mercury subcategory (≥ 260 ppm), which requires LDR treatment via incineration (IMERC) or thermal recovery of mercury (RMERC). The waste also has a D002 component that requires LDR treatment via deactivation (DEACT). The customer first treats the waste to remove the D002 corrosive characteristic and as a result of this treatment, the mercury content in the waste decreases to < 260 ppm, which equates to the D009 low mercury subcategory. D009 low mercury waste requires LDR treatment via any method other than dilution to the performance-based standard of 0.025 ppm TCLP for mercury. Can this partially treated waste be managed as D009 low mercury waste and treated to 0.025 ppm TCLP - a less costly treatment standard - as opposed to the more costly incineration or thermal recovery treatment standards?

A: Per an [October 2000 RCRA Hotline Monthly Report](#), EPA's response to a similar question was :

"In this case, the treatment standard for the high-mercury subcategory that applied at the point of generation must be met at the point of disposal, regardless of the reduction of mercury content in the waste during treatment for another hazardous constituent. The generator of a waste must determine at the point of generation all applicable waste codes and treatment standards subcategories. These determinations apply throughout the life of the waste. All applicable waste codes must be determined at the point of generation so as to prevent the generator from diluting the waste to circumvent an applicable treatment standard".

Therefore, the LDR subcategory of D009 high mercury that applied at the initial point of generation, continues to apply following the treatment of the D002 corrosive characteristic, i.e., this partially treated waste must be treated via IMERC or RMERC. If the waste was managed per the low mercury subcategory treatment standard, impermissible dilution and circumvention of the applicable treatment standard would occur.

SUMMARY:

- LDR requirements apply at the initial point of generation.
- LDR requirements apply throughout the life of the waste and at the point of disposal.
- Managing this high mercury waste as a low mercury waste would constitute impermissible dilution and circumvention of the applicable treatment standard.

The October 2000 RCRA Hotline Monthly Report question is attached to the e-mail. If you have any questions, contact me at [Paul W. Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

FROM: Paul W. Martin

DATE: 5/26/2022

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TWO MINUTE TRAINING - ATTACHMENT

SUBJECT: High Mercury vs. Low Mercury and Point of Generation

EPA530-R-00-003j

PB2000-104 957

RCRA, SUPERFUND & EPCRA HOTLINE MONTHLY REPORT

October 2000

1. Mercury Treatment Standards under the Land Disposal Restrictions Program

The land disposal restrictions (LDR) regulations in 40 CFR Section 268.40 contain waste-specific treatment standards that dictate the use of a particular technology or the reduction of hazardous constituents in the waste to a specified concentration level. The treatment standards for certain waste codes are divided into multiple subcategories. For example, the treatment standards for mercury (D009) are divided into high- and low-mercury subcategories based on the mercury content of the waste.

At the point of generation, a D009 waste meets the high-mercury subcategory for LDR purposes. However, in treating the waste for another hazardous constituent, the generator reduces the mercury content and the waste now meets the low-mercury subcategory. Can the generator apply the low-mercury treatment standard to meet LDR?

In this case, the treatment standard for the high-mercury subcategory that applied at the point of generation must be met at the point of disposal, regardless of the reduction of mercury content in the waste during treatment for another hazardous constituent. The generator of a waste must determine at the point of generation all applicable waste codes and treatment standards subcategories. These determinations apply throughout the life of the waste. All applicable waste codes must be determined at the point of generation so as to prevent the generator from diluting the waste to circumvent an applicable treatment standard ([51 FR 40572, 40560 November 7, 1986](#)).

[PWMartin comment – 40560 is a typo since that page is unrelated to EPA. 40592 is the more likely page reference]

RO 14513

FROM: Paul W. Martin

DATE: 5/26/2022

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