

ATTACHMENT 7-2

**Example Land Disposal Restriction Conditions
(From U.S. EPA Region 5, 1995)**

LAND DISPOSAL REQUIREMENTS

A. GENERAL CONDITIONS

1. The Permittee shall comply with all the applicable self-implementing requirements of 40 CFR Part 268 and all applicable land disposal requirements which become effective by statute (42 U.S.C. §6924).
2. A mixture of any restricted waste with nonrestricted waste(s) is a restricted waste under 40 CFR Part 268.
3. The Permittee shall not in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with 40 CFR Part 268, Subpart D, to circumvent the effective date of a prohibition in 40 CFR Part 268, Subpart C, to otherwise avoid a prohibition in 40 CFR Part 268, Subpart C, or to circumvent a land disposal prohibition imposed by Section 3004 of RCRA.
4. The Permittee shall prepare and maintain a current list of the hazardous waste codes handled by the facility that are identified in 40 CFR 268, Subparts B and C. The list shall include all waste codes handled by the facility, and any associated treatment standards, and shall be updated through the inclusion of new treatment standards, as promulgated or amended. This list shall be provided to the U.S. EPA representatives, or their designees, upon request.

B. TESTING AND RELATED REQUIREMENTS

1. The Permittee must test, in accordance with 40 CFR 268.7(a), any waste generated at the facility, or use knowledge of the waste, to determine if the waste is restricted from land disposal.
2. For restricted wastes with treatment standards expressed as concentrations in the waste extract, as specified in 40 CFR 268.41, the Permittee shall test the wastes or waste treatment residues, or extracts of such residues developed using the test methods described in Appendix II of 40 CFR Part 261 (Toxicity Characteristic Leaching Procedure, or TCLP) to assure that the wastes or waste treatment residues or extracts meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.

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3. A restricted waste for which a treatment technology is specified under 40 CFR 268.42(a) is eligible for land disposal after it is treated using that specified technology or an equivalent treatment method approved by the Administrator under the procedures set forth in 40 CFR 268.42(b).
4. For restricted wastes with treatment standards expressed as concentrations in the waste, as specified in 40 CFR 268.43, the Permittee shall test the wastes or waste treatment residues (not an extract of such residues) to assure that the wastes or waste treatment residues meet the applicable treatment standards of 40 CFR Part 268, Subpart D. Such testing shall be performed as required by 40 CFR 264.13.
5. The Permittee shall comply with all the applicable notification, certification, and recordkeeping requirements described in 40 CFR 268.7(a) and (b).

NOTE: *The following condition only applies to Storage in Tanks and Containers at the Facility. Do not use this language if there is no storage.*

C. STORAGE PROHIBITIONS

1. The Permittee shall comply with all the applicable prohibitions on storage of restricted wastes specified in 40 CFR Part 268, Subpart E.
2. Except as otherwise provided in 40 CFR 268.50, the Permittee may store restricted wastes in tanks and containers solely for the purpose of the accumulation of such quantities of hazardous wastes as necessary to facilitate proper recovery, treatment, or disposal provided that:
 - a. Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
 - b. Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received, and the date each period of accumulation begins, or such information for each tank is recorded and maintained in the operating record at the facility.
3. The Permittee may store restricted wastes for up to 1 year unless the U.S. EPA or its authorized agent can demonstrate that such storage was not solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

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4. The Permittee may store restricted wastes beyond 1 year; however, the Permittee bears the burden of proving that such storage was solely for the purpose of accumulating such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment or disposal.

5. The Permittee shall not store any liquid hazardous waste containing polychlorinated biphenyls (PCBs) at concentrations greater than or equal to 50 ppm unless the waste is stored in a storage facility that meets the requirements of 40 CFR 761.65(b). This waste must be removed from storage and treated or disposed as required by 40 CFR Part 268 within 1 year of the date when such wastes are first put into storage. Condition ____C.4. above, which allows storage for over 1 year with specified demonstration, does not apply to