Land Disposal Restrictions as Relevant and Appropriate Requirements for CERCLA Contaminated Soil and Debris

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

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

JUN - 5 1989

OSWER Directive No. 9347.2-01

MEMORANDUM

SUBJECT: Land Disposal Restrictions as Relevant and Appropriate Requirements for CERCLA contaminated Soil and Debris

FROM: Henry L. Longest II, Director
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TO: Directors, Waste Management Division
Regions I, IV, V, VII, VIII
Director, Emergency and Remedial Response Division
Region II
Directors, Hazardous Waste Management Division
Regions III, VI
Director, Toxic and Waste Management Division
Region IX
Director, Hazardous Waste Division
Region X

PURPOSE

To transmit OSWER policy on the relevance and appropriateness of the Land Disposal Restrictions (LDRs) to CERCLA responses involving contaminated soil and debris.

BACKGROUND

As clarified in OSWER Directive 9347.1-02 (see attachment), the LDRs are applicable to CERCLA responses only when such actions constitute placement of a restricted RCRA waste. Therefore, if no restricted RCRA wastes are identified in a Superfund waste that is being placed, the LDRs would not be applicable. Site-specific questions have arisen, however, as to the relevance and

appropriateness of the LDRs to soil and debris that do not contain RCRA restricted wastes. In particular, Region II (having determined that the contaminated soil and debris to be treated and "placed" at the 93rd Street site did not contain RCRA hazardous wastes) sought consultation with Headquarters on whether LDRs should be considered relevant and appropriate given that the Agency is in the process of developing treatment standards for soil and debris wastes separate from the treatment standards developed for industrial process wastes.

OSWER POLICY

OSWER has concluded that until a rulemaking is completed that establishes treatment standards for soil and debris, the LDRs generally should not be considered as relevant and appropriate for soil or debris that does not contain restricted RCRA wastes. The following language should be incorporated into feasibility study ARAR discussions, proposed plans, and the "Compliance with ARARs" section of future RODs for situations similar to the above example:

> The Agency is undertaking a rulemaking that will specifically apply to soil and debris. Since that rulemaking is not yet complete, EPA does not consider LDR to be relevant and appropriate at this site to soil and debris that does not contain RCRA restricted wastes.

Should you have any questions regarding this policy, please contact your Regional Coordinators in the Hazardous Site Control Division, the CERCLA Enforcement Division, or Steve Golian (FTS 475-9750) in the Site Policy and Guidance Branch.

Attachment

cc: Sylvia Lowrance, OSW