

Environmental Protection Agency

§ 268.37

(1) The wastes meet the applicable treatment standards specified in subpart D of this part:

(2) Persons have been granted an exemption from a prohibition pursuant to a petition under §268.6, with respect to those wastes and units covered by the petition;

(3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under §268.44; or

(4) Persons have been granted an extension to the effective date of a prohibition pursuant to §268.5, with respect to these wastes covered by the extension.

(f) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in §268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentration in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents (including underlying hazardous constituents in characteristic wastes) in excess of the applicable Universal Treatment Standard levels of §268.48 of this part, the waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified.

[63 FR 28641, May 26, 1998, as amended at 63 FR 48127, Sept. 9, 1998]

§ 268.35 Waste specific prohibitions—petroleum refining wastes.

(a) Effective February 8, 1999, the wastes specified in 40 CFR part 261 as EPA Hazardous Wastes Numbers K169, K170, K171, and K172, soils and debris contaminated with these wastes, radioactive wastes mixed with these hazardous wastes, and soils and debris contaminated with these radioactive mixed wastes, are prohibited from land disposal.

(b) The requirements of paragraph (a) of this section do not apply if:

(1) The wastes meet the applicable treatment standards specified in Subpart D of this part;

(2) Persons have been granted an exemption from a prohibition pursuant to a petition under §268.6, with respect to

those wastes and units covered by the petition;

(3) The wastes meet the applicable treatment standards established pursuant to a petition granted under §268.44;

(4) Hazardous debris that have met treatment standards in §268.40 or in the alternative treatment standards in §268.45; or

(5) Persons have been granted an extension to the effective date of a prohibition pursuant to §268.5, with respect to these wastes covered by the extension.

(c) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in §268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Universal Treatment Standard levels of §268.48, the waste is prohibited from land disposal, and all requirements of this part are applicable, except as otherwise specified.

[63 FR 42186, Aug. 6, 1998]

§ 268.36 [Reserved]

§ 268.37 Waste specific prohibitions—ignitable and corrosive characteristic wastes whose treatment standards were vacated.

(a) Effective August 9, 1993, the wastes specified in 40 CFR 261.21 as D001 (and is not in the High TOC Ignitable Liquids Subcategory), and specified in §261.22 as D002, that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. CWA-equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of