

Narrator Notes on LDR Program

[Note to EPA: After the introductory slides 5 and 6 in Lesson 1, students should be given the full text of 40 CFR Part 268, including appendices. When students pull up the text, the first page of Part 268 should be shown (i.e., table of contents). A narrator should then give an overview of the part and briefly recommend sections for trainees to review. As the narrator mentions each section, the relevant section in the TOC should be highlighted (and remain highlighted) so that trainees can refer to the TOC to know which sections are recommended for review.

This document constitutes the narration. The file “Part 268” contains the regulations that should be presented to accompany this narration.]

Narrator: Let’s begin this training by reviewing the Land Disposal Restrictions (or LDR) regulations, which are codified at 40 CFR Part 268. EPA established the LDR program under the authority of the 1984 Hazardous and Solid Waste Amendments (HSWA) to RCRA. HSWA prohibits the land disposal of hazardous wastes that do not meet applicable treatment standards, except as otherwise specified. Among other things, it essentially required EPA to specify either concentration levels or methods of treatment for hazardous constituents to either substantially decrease the toxicity of a waste or decrease the likelihood that contaminants would migrate from a waste and cause contamination of land and groundwater. EPA responded by establishing Part 268. The LDR program identifies treatment standards for hazardous wastes and specifies requirements that generators, transporters, and owners or operators of treatment, storage, and disposal facilities (TSDFs) that manage restricted wastes destined for land disposal must meet. EPA has amended Part 268 many times over the years to establish treatment standards for newly listed wastes and address other needs.

Please take some time now to review the regulations and re-familiarize yourself with them. Although we encourage you to review as many of the provisions as possible, we recommend that at a minimum you review the following:

- [Highlight 268.1 in TOC] Section 268.1, which clarifies the overall purpose and scope of the program. Among other things, it discusses some exemptions from the LDR provisions for specified types of wastes.
- [Highlight 268.2 in TOC] Section 268.2, which defines terms used under the program.
- [Highlight 268.3 in TOC] Section 268.3, which sets forth provisions that prohibit the dilution of hazardous waste as a substitute for adequate treatment to meet the LDR treatment standards. Adding water or soil to a waste to dilute it, combining wastes not amenable to the same type of treatment, and incinerating certain metal wastes are all examples of impermissible dilution. As part of your review, take a look at Appendix XI for metal-bearing wastes that are generally prohibited from dilution in a combustion unit.
- [Highlight 268.7 in TOC] In addition, we recommend that you review section 268.7, which sets forth testing, tracking and recordkeeping requirements for generators (in 268.7(a)), treaters (in 268.7(b)) and disposers (in 268.7(c)). These provisions are

designed to ensure that wastes that do not meet the treatment standards when generated are not land disposed until they have been treated to meet the standards. Be sure to review these provisions, including the Paperwork Requirements Tables for generators and treaters in section 268.7(a) and (b), so that you know the types of waste determinations and paperwork activities required of them.

- [Highlight 268.9 in TOC] You should also review 268.9 because it addresses requirements for characteristic waste, such as the requirement to monitor for and treat underlying hazardous constituents. Several exercises in this training will test your knowledge of these provisions.
- [Highlight 268.40 in TOC] In addition, review section 268.40, which sets forth treatment standards for characteristic and listed wastes in a table called, “Treatment Standards for Hazardous Wastes.” A waste identified in the table may be land disposed only if it meets the requirements found in the table (or the alternative standards discussed below). For each waste, the table identifies one of three types of treatment standard requirements:
 - 1) A “total waste standard, “ which specifies that all hazardous constituents in the waste must be at or below the values found in the table for that waste; or
 - 2) A “waste extract standard,” which specifies that the hazardous constituents in the extract of the waste must be at or below the values found in the table; or
 - 3) A “technology standard,” which specifies that the waste must be treated using the technology specified in the table, which are described in detail in section 268.42, Table 1. The table is called “Technology Codes and Description of Technology-Based Standards.”
- In addition to the requirements in section 268.40, EPA established alternative treatment standards for lab packs, hazardous debris, and contaminated soil. Be sure to review these alternative standards at:
 - [Highlight 268.42 in TOC] 268.42(c) for lab packs. As part of your review, also look at the Appendix IV for waste excluded under this alternative standard.
 - [Highlight 268.45 in TOC] 268.45 for debris, and
 - [Highlight 268.49 in TOC] 268.49 for soil.
- [Highlight 268.50] Finally, we recommend that you review 268.50, which establishes prohibitions on the storage of hazardous waste. Note that 268.50 allows no storage for any length of time – including less than a year -- unless solely for the purpose of accumulating sufficient quantities for proper recovery, treatment, or disposal. (The one-year threshold is simply when the burden of proof shifts from EPA to the facility.)

Reviewing these requirements among others will help to develop and strengthen your “working understanding” of the LDR regulations. It also will help you to complete the exercises presented later in this training.