

<u>SUBJECT</u>		<u>DATE</u>
1394. RCRA Empty vs. DOT Empty	ENCORE	JUL 30, 2020
1395. RCRA Empty vs. DOT Empty II	ENCORE	AUG 6, 2020
1396. Empty Containers and the "Empty" Label	ENCORE	AUG 13, 2020
1397. Exceptions to Free Liquids in Landfills Prohibition	ENCORE	AUG 20, 2020
1398. Dust Suppression in Landfills with Nonhazardous Liquids	ENCORE	AUG 27, 2020
1399. Treated Hazardous Wastes Used as Dust Suppressant	ENCORE	SEP 3, 2020

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## TWO MINUTE TRAINING

**TO:** CH2M HILL PLATEAU REMEDIATION COMPANY

**FROM:** PAUL W. MARTIN, RCRA Subject Matter Expert  
CHPRC Environmental Protection, Hanford, WA

**SUBJECT:** TREATED HAZARDOUS WASTES USED AS DUST SUPPRESSANT

**DATE:** SEPTEMBER 3, 2020

<u>CHPRC Projects</u>	<u>CH PRC - Env. Protection</u>	<u>MSA</u>	<u>Hanford Laboratories</u>	<u>Other Hanford Contractors</u>	<u>Other Hanford Contractors</u>
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## TWO MINUTE TRAINING

**SUBJECT:** Treated Hazardous Wastes Used as Dust Suppressant

**Q:** A customer has two 1,000-gallon tanks of wastewater. One tank contains landfill leachate that meets the hazardous waste listing description for F039. The other tank contains wastewater that exhibits the hazardous waste characteristic of corrosivity, D002, and has no underlying hazardous constituents (UHCs). The customer then treats the D002 and F039 wastewaters to meet their respective land disposal restriction (LDR) treatment standards and proposes using the treated wastewaters for dust suppression on the facility's dirt roads. Can the customer apply these treated wastewaters to dirt roads for use as a dust suppressant?

**A:** Concerning the F039 treated wastewater, the customer cannot use this wastewater for dust suppression since the wastewater is still an F039 hazardous waste. Even though the wastewater has met the LDR treatment standards, the customer must still dispose of the wastewater in a RCRA approved unit, e.g., solidified and disposed in a RCRA landfill, or thermally disposed in a RCRA incinerator, etc.

Concerning the D002 treated wastewater, the customer can use this wastewater for dust suppression since the wastewater is no longer a hazardous waste and has met the applicable LDR treatment standards. As clarified in an EPA RCRA Hotline Report ([Faxback 14315](#)) dated October 1, 1998:

*"A characteristic hazardous waste that has been decharacterized and meets LDR treatment standards may be used as a dust suppressant. The Section [266.23\(b\)](#) prohibition applies to materials that are hazardous wastes or that are mixed with a hazardous waste. A characteristic hazardous waste that has been decharacterized is not subject to the prohibition because it is no longer hazardous. Use of the decharacterized waste as a dust suppressant would be allowable assuming the resulting product is being legitimately recycled. Before placement on the land, however, the product must fully meet applicable LDR requirements. D002 wastes must be treated to remove the characteristic of corrosivity, as well as meet universal treatment standards for underlying hazardous constituents (Section [268.40](#)). Treatment must be achieved in a manner that does not constitute impermissible dilution (Section [268.3](#)).*

*While decharacterized wastes may be used for dust suppression, listed hazardous wastes remain prohibited from such use even after treatment to meet LDR standards, because these wastes continue to carry a listing. The use of used oil as a dust suppressant is also prohibited (Section [279.82](#))."*

Therefore, the customer could use the treated, former D002 wastewater for dust suppression but could not use the treated, currently still F039 wastewater. The only option for using the F039 wastewater for dust suppression would be to delist the F039. Once delisted and a nonhazardous waste, the delisted F039 treated wastewater could be used for dust suppression.

### SUMMARY:

- Hazardous or dangerous wastes are prohibited from use as a dust suppressant.
- Treated listed wastewaters cannot be used for dust suppression since the waste is still a hazardous waste.
- Treated characteristic wastewaters can be used for dust suppression since the waste is a nonhazardous waste.

The October 1, 1998, RCRA Hotline Report is attached to the e-mail. If you have any questions, please contact me at [Paul W Martin@rl.gov](mailto:Paul_W_Martin@rl.gov) or at (509) 376-6620.

**FROM:** Paul W. Martin

**DATE:** 9/3/2020

**FILE:** 2MT\2020\090320.rtf

**PG:** 1

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## TWO MINUTE TRAINING – ATTACHMENT

**SUBJECT:** Treated Hazardous Wastes Used as Dust Suppressant

EPA530-R-98-005j  
SUB-9224-98-010

### 2. Prohibition on the Use of Hazardous Waste as Dust Suppressant

RCRA prohibits the use of materials contaminated with dioxins or any other hazardous waste (other than wastes which are hazardous solely for exhibiting the characteristic of ignitability) for dust suppression or road treatment (40 CFR Section 266.23(b)). If a person treats a corrosive waste (D002) to remove the characteristic of corrosivity and to meet land disposal restrictions (LDR), can this waste be used as a dust suppressant?

A characteristic hazardous waste that has been decharacterized and meets LDR treatment standards may be used as a dust suppressant. The Section 266.23(b) prohibition applies to materials that are hazardous wastes or that are mixed with a hazardous waste. A characteristic hazardous waste that has been decharacterized is not subject to the prohibition because it is no longer hazardous. Use of the decharacterized waste as a dust suppressant would be allowable assuming the resulting product is being legitimately recycled. Before placement on the land, however, the product must fully meet applicable LDR requirements. D002 wastes must be treated to remove the characteristic of corrosivity, as well as meet universal treatment standards for underlying hazardous constituents (Section 268.40). Treatment must be achieved in a manner that does not constitute impermissible dilution (Section 268.3).

While decharacterized wastes may be used for dust suppression, listed hazardous wastes remain prohibited from such use even after treatment to meet LDR standards, because these wastes continue to carry a listing. The use of used oil as a dust suppressant is also prohibited (Section 279.82).

Faxback 14315