specify 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
of this part, the waste is prohibited from land disposal, and all requirements
of part 268 are applicable, except as otherwise specified.

§ 268.31 Waste specific prohibitions—
Dioxin-containing wastes.
(a) Effective November 8, 1988, the
dioxin-containing wastes specified in 40
CFR 261.31 as EPA Hazardous Waste
Nos. F020, F021, F022, F023, F026, F027,
and F028, are prohibited from land dis-
posal unless the following condition ap-
plies:
(1) The F020–F023 and F026–F028
dioxin-containing waste is contami-
nated soil and debris resulting from a
response action taken under section 104
or 106 of the Comprehensive Environ-
mental Response, Compensation, and
Liability Act of 1980 (CERCLA) or a
corrective action taken under subtitle
C of the Resource Conservation and Re-
covery Act (RCRA).
(b) Effective November 8, 1990, the
F020–F023 and F026–F028 dioxin-con-
taining wastes listed in paragraph
(a)(1) of this section are prohibited
from land disposal.
(c) Between November 8, 1988, and
November 8, 1990, wastes included in
paragraph (a)(1) of this section may be
disposed in a landfill or surface im-
poundment only if such unit is in com-
pliance with the requirements specified in §268.5(h)(2) and all other applicable
requirements of parts 264 and 265
of this chapter.
(d) The requirements of paragraphs
(a) and (b) of this section do not apply
if:
(1) The wastes meet the standards of
subpart D of this part; or
(2) Persons have been granted an ex-
emption from a prohibition pursuant to
a petition under §268.6, with respect to those wastes and units covered by
the petition; or
(3) Persons have been granted an ex-
tension to the effective date of a prohi-
bition pursuant to §268.5, with respect
to those wastes covered by the exten-
sion.
[53 FR 31216, Aug. 17, 1988]

§ 268.32 Waste specific prohibitions—
Soils exhibiting the toxicity character-
istic for metals and containing
PCBs.
(a) Effective December 26, 2000, the
following wastes are prohibited from
land disposal: any volumes of soil ex-
hibiting the toxicity characteristic
solely because of the presence of met-
als (D004—D011) and containing PCBs.
(b) The requirements of paragraph (a)
of this section do not apply if:
(1)(i) The wastes contain halogenated
organic compounds in total concentra-
tion less than 1,000 mg/kg; and
(ii) The wastes meet the treatment
standards specified in Subpart D of this
part for EPA hazardous waste numbers
D004—D011, as applicable; or
(2)(i) The wastes contain halogenated
organic compounds in total concentra-
tion less than 1,000 mg/kg; and
(ii) The wastes meet the alternative
treatment standards specified in §268.49
for contaminated soil; or
(3) Persons have been granted an ex-
temption from a prohibition pursuant to
a petition under §268.6, with respect to
those wastes and units covered by the
petition; or
(4) The wastes meet applicable alter-
native treatment standards established
pursuant to a petition granted under
§268.44.
[65 FR 81380, Dec. 26, 2000]

§ 268.33 Waste specific prohibitions—
chlorinated aliphatic wastes.
(a) Effective May 8, 2001, the wastes
specified in 40 CFR part 261 as EPA
Hazardous Wastes Numbers K174, and
K175, soil and debris contaminated
with these wastes, radioactive wastes
mixed with these wastes, and soil and
debris contaminated with radioactive
wastes mixed with these 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 sub-
part 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 has met the treatment standards in § 268.40 or 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 regulated constituents in excess of the applicable levels of subpart D of this part, the waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified.

(d) Disposal of K175 wastes that have complied with all applicable 40 CFR 268.40 treatment standards must also be macroencapsulated in accordance with 40 CFR 268.45 Table 1 unless the waste is placed in:

(1) A Subtitle C monofil containing only K175 wastes that meet all applicable 40 CFR 268.40 treatment standards; or

(2) A dedicated Subtitle C landfill cell in which all other wastes being co-disposed are at pH≤6.0.

(85 FR 67127, Nov. 8, 2020)

§ 268.34 Waste specific prohibitions—toxicity characteristic metal wastes.

(a) Effective August 24, 1998, the following wastes are prohibited from land disposal: the wastes specified in 40 CFR Part 261 as EPA Hazardous Waste numbers D004–D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), and waste, soil, or debris from mineral processing operations that is identified as hazardous by the specifications at 40 CFR Part 261.

(b) Effective November 26, 1998, the following waste is prohibited from land disposal: Slag from secondary lead smelting which exhibits the Toxicity Characteristic due to the presence of one or more metals.

(c) Effective May 26, 2000, the following wastes are prohibited from land disposal:

(1) newly identified characteristic wastes from elemental phosphorus processing; radioactive wastes mixed with EPA Hazardous wastes D004–D011 that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure); or mixed with newly identified characteristic mineral processing wastes, soil, or debris.

(d) Between May 26, 1998 and May 26, 2000, newly identified characteristic wastes from elemental phosphorus processing, radioactive waste mixed with D004–D011 wastes that are newly identified (i.e., wastes, soil, or debris identified as hazardous by the Toxic Characteristic Leaching Procedure but not the Extraction Procedure), or mixed with newly identified characteristic mineral processing wastes, soil, or debris may be disposed in a landfill or surface impoundment only if such unit is in compliance with the requirements specified in § 268.5(h) of this part.

(e) The requirements of paragraphs (a) and (b) 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 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.