



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

September 2, 2004

Ms. Lydia Gonzalez Gromatzky
Deputy Director, Office of Legal Services
Texas Commission on Environmental Quality
MC-218
P.O. Box 13087
Austin, TX 78711-3087

Lydia
Dear Ms. Gonzalez Gromatzky:

This letter is in response to your legal question regarding disposal of wastes under the Resource Conservation and Recovery Act (RCRA). Under federal law, a waste that is not a RCRA listed hazardous waste and that has hazardous waste levels below that of both RCRA characteristic hazardous waste levels and RCRA land disposal restrictions levels, does not require disposal in a RCRA subtitle C landfill.

A regulating agency may, however, enforce against an entity under RCRA in such situations if improper dilution of a hazardous waste to avoid adequate treatment was utilized (40 C.F.R. § 268.3).

Sincerely,

A handwritten signature in cursive script that reads "Charles J. Sheehan".

Charles J. Sheehan
Regional Counsel