

Land Disposal Restriction Notice

a generator's land disposal restriction notice and waste minimization certification, set against the determination record behind them | Marked-up specimen

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A prescribed certification retyped in the writer's own words, a two-sentence notice carrying only its first sentence, and a category statement the file contradicts.

ORIGINAL, WITH EDITS MARKED

SPECIMEN, PREPARED BY EDITFAST FOR ILLUSTRATION. NOT A REAL FILING. Prepared for Ardmore Precision Works (fictitious), land disposal restriction notice and manifest certification

EXTRACT FROM THE GENERATOR'S RECORD (reproduced unchanged in both panels)

GR-1 The site is a large quantity generator for the month of this shipment, determined under 40 CFR 262.13.

GR-2 The environmental manager made the hazardous waste determination on June 3, the day the waste was generated. The file entry was typed on July 18.

GR-3 The determination rests on knowledge of the process rather than on testing.

GR-4 The process is solvent cleaning of machined parts. The spent solvent is recorded as F002, and the constituents relied on are listed in the process file.

GR-5 The site has not determined whether the waste meets the treatment standards, and asks the receiving facility to make that determination.

GR-6 A waste minimization program was approved by the plant manager in March and is held in the environmental file.

LAND DISPOSAL RESTRICTION NOTICE, accompanying manifest 001234567FLE

EPA Hazardous Waste Number: F002

Manifest number: 001234567FLE

This hazardous waste may or may not be subject to the LDR treatment standards.¹

CERTIFICATION

I certify that I have looked at this waste and know it well enough, from testing or from what we know about it, to say that it meets the treatment standards in 40 CFR part 268 subpart D. I believe the information is right.²

WASTE MINIMIZATION CERTIFICATION, Item 15 of the manifest

I am a small quantity generator.³ I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.⁴

BASIS OF THE HAZARDOUS WASTE DETERMINATION

The waste is hazardous. This was determined by knowledge.⁵

Determination recorded: July 18.⁶

WHAT CHANGED, AND WHY

#	Was	Now	Reason
1	This hazardous waste may or may not be subject to the LDR treatment standards.	This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.	Paragraph 268.7(a)(2) prints two sentences for a generator who chooses not to make the determination. The notice carried the first alone, which left the question open without saying who answers it.
2	I certify that I have looked at this waste and know it well enough, from testing or from what we know about it, to say that it meets the treatment standards in 40 CFR part 268 subpart D. I believe the information is right.	[Query to the environmental manager: GR-5 records that the site has not determined whether the waste meets the treatment standards. The certification at 40 CFR 268.7(a)(3) is for waste that does meet those standards at the point of generation, and the alternative notice above is what 268.7(a)(2) provides for the other case. Nothing has been certified here, and the paraphrase that stood in this space has been removed rather than corrected.]	The certification at 268.7(a)(3) is printed in fixed words. It opens "I certify under penalty of law that I personally have examined and am familiar with the waste" and runs on to the treatment standards in part 268 subpart D. The paraphrase changed every clause and dropped the sentence about penalties for a false certification. GR-5 also records that the determination behind it was never made.
3	I am a small quantity generator.	I am a large quantity generator.	Section 262.27 has the generator certify to one of two statements in Item 15, and the choice follows from the generator category. GR-1 records the site as a large quantity generator for the month of this shipment.
4	I have made a good faith effort to minimize my waste generation and select the best waste management method that is available to me and that I can afford.	I have a program in place to reduce the volume and toxicity of waste generated to the degree I have determined to be economically practicable and I have selected the practicable method of treatment, storage, or disposal currently available to me which minimizes the present and future threat to human health and the environment;	The two statements are not interchangeable, and paragraph 262.27(a) carries the wording for a large quantity generator. GR-6 records a program approved by the plant manager and held in the environmental file.

#	Was	Now	Reason
5	The waste is hazardous. This was determined by knowledge.	The waste is hazardous. The determination rests on knowledge of the process rather than on testing. The process is solvent cleaning of machined parts. The spent solvent is recorded as F002, and the constituents relied on are listed in the process file.	Paragraph 262.11(f) calls for records which explain the knowledge basis, together with records consulted to determine the process, the composition, and the properties of the waste. GR-3 and GR-4 supply both, and the file entry asserted a result instead.
6	Determination recorded: July 18.	Determination made at the point of waste generation: June 3. File entry typed: July 18.	Section 262.11(a) fixes the determination at the point of waste generation, before any dilution, mixing, or other alteration. GR-2 records June 3 as that day, with July 18 as the date the entry was typed. One line had carried both meanings.

EXAMPLE
FOR ILLUSTRATION ONLY