

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 148, 264, 265, and 268

[FRL-4112-2]

Land Disposal Restrictions for Third Third Scheduled Wastes

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendments.

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**SUMMARY:** On June 1, 1990, EPA published regulations promulgating congressionally-mandated prohibitions on land disposal of certain hazardous wastes. This notice corrects errors and clarifies the language in the preamble and regulations of the June 1, 1990 final rule.

**EFFECTIVE DATE:** This rule is effective on March 6, 1992.

**ADDRESSES:** The RCRA docket is open from 9:30 to 3:30, Monday through Friday, excluding Federal holidays, and is located at the following address: EPA RCRA Docket (OS-305), room M-2427, 401 M Street SW., Washington, DC 20460. The public must make an appointment to review docket materials by calling (202) 260-9327. Refer to Docket number F-92-13C2-FFFFF when making appointments to review any background documentation for this correction. The public may copy a maximum of 100 pages of material from any one regulatory docket at no cost; additional copies cost \$0.20 per page.

**FOR FURTHER INFORMATION CONTACT:** For general information contact the RCRA Hotline at (800) 424-9346 (toll free) or (703) 920-9810 in the Washington, DC metropolitan area. For technical information contact the Waste Treatment Branch, Office of Solid Waste, 401 M Street SW., Washington, DC 20460, (703) 308-8434.

>>>> Preamble has not been included in this file. <<<<

**PART 148-HAZARDOUS WASTE INJECTION RESTRICTIONS**

1. The authority citation for part 148 continues to read as follows:

Authority: Section 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901 et. seq.

2. Section 148.1 is amended by revising paragraph (d) to read as follows:

§ 148.1 Purpose, scope, and applicability.

\* \* \* \* \*

(d) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, are not prohibited if the wastes:

(1) Are disposed into a nonhazardous injection well defined under 40 CFR 144.6(a); and

(2) Do not exhibit any prohibited characteristic of hazardous waste identified in subpart C of part 261 at the point of injection.

3. In Section 148.10 Table A is amended by adding entries for "ethyl ether" and "methyl isobutyl ketone" in alphabetical order.

#### PART 264-STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, and 6925.

2. Section 264.13 is amended by revising paragraph (a)(1) to read as follows:

§ 264.13 General waste analysis.

(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under § 264.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter.

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#### PART 265-INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

1. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

2. Section 265.13 is amended by revising paragraph (a)(1) to read as follows:

§ 265.13 General waste analysis.

(a)(1) Before an owner or operator treats, stores, or disposes of any hazardous wastes, or nonhazardous wastes if applicable under § 265.113(d), he must obtain a detailed chemical and physical analysis of a representative sample of the wastes. At a minimum, the analysis must contain all the information which must be known to treat, store, or dispose of the waste in accordance with this part and part 268 of this chapter.

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PART 268-LAND DISPOSAL RESTRICTIONS

1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. Section 268 is amended by revising paragraph (b) to read as follows:

§ 268.3 Dilution prohibited as a substitute for treatment.

\* \* \* \* \*

(b) Dilution of wastes that are hazardous only because they exhibit a characteristic in a treatment system which treats wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of the Clean Water Act (CWA) or which treats wastes for the purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this section unless a method has been specified as the treatment standard in § 268.42, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

3. Section 268.41 is amended by revising paragraph (a) to read as follows:

§ 268.41 Treatment standards expressed as concentration in waste extract.

(a) Table CCWE identifies the restricted wastes and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test method in Appendix I of this part of the allowable land disposal of such wastes, with the exception of wastes D004, D008, D031, K084, K101, K102, P010, P011, P012, P036, and U136 and the concentrations of their associated constituents which may not be exceeded by the extract of a waste or waste treatment residual developed using the test methods in appendix II of 40 CFR part 261 for the allowable land disposal of such wastes. (Appendix II of this part provides Agency guidance on treatment methods that have been shown to achieve the Table CCWE levels for the respective wastes. Appendix II of this part is not a regulatory

requirement but is provided to assist generators and owners/operators in their selection of appropriate treatment methods.) Compliance with these concentrations is required based upon grab samples, unless otherwise noted in the following Table CCW.

\* \* \* \* \*

4. In § 268.42 Table 2 is amended by revising, under waste code D003, the entry for "Reactive Sulfides based on 261.23(a)(5)." to read as follows:

§ 268.42 Treatment standards expressed as specified technologies.

\* \* \* \* \*

Table 2.-Technology-Based Standards by RCRA Wastecode

Waste code	See also	Waste descriptions and/or treatment subcategory	CAS No. for regulated hazardous constituents	Technology code	
				Wastewaters	Nonwastewaters
	*	*	*	*	*
D003		Reactive Sulfides based on 261.23(a)(5).	NA	DEACT but not including dilution as a substitute for adequate treatment.	DEACT but not including dilution as a substitute for adequate treatment.
	*	*	*	*	*

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End of Federal Register article.