

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 266, and 271

[FRL-4098-4]

RIN 2050-AC85

Hazardous Waste Management System; Identification and Listing of Hazardous Waste;
Exclusions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending the hazardous waste management regulations (40 CFR 261.4(a)) to exclude from the definition of solid waste those coke by-product residues that are recycled by being: (1) Returned to coke ovens as a feedstock to produce coke; (2) returned to the tar recovery process as a feedstock to produce coal tar; or (3) mixed with coal tar prior to coal tar refining or sale. These residues are hazardous because they exhibit the Toxicity Characteristic (TC) of 40 CFR 261.24. This exclusion was proposed on July 26, 1991 (56 FR 35758). The Agency is also excluding the similarly-situated hazardous waste K087 when recycled in this way. These exclusions are conditioned on there being no land disposal of the recycled material. EPA's July proposal also proposed to list as hazardous seven wastes from the production, recovery and refining of coke by-products. EPA will address these listings in a separate final rule to be issued at a later date.

EFFECTIVE DATE: June 22, 1992.

FOR FURTHER INFORMATION CONTACT: Mr. Ron Josephson, Environmental Engineer, U.S. Environmental Protection Agency, Office of Solid Waste (OS-333), 401 M St., SW, Washington, DC 20460, (202)260-4770; or call the RCRA/Superfund Hotline at: (800)424-9346 (toll-free in the U.S.), (800)553-7672 (TDD), or (703)920-9810.

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

PART 261-IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6922.

2. Section 261.4 is amended by revising paragraph (a)(10) to read as follow:

§ 261.4 Exclusions.

(a) * * *

(10) EPA Hazardous Waste No. K087, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic specified in Section 261.24 of this part, when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or the tar refining process.

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PART 266-STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

3. The authority citation for part 266 continues to read as follows:

Authority: Sections 1006, 2002(a) 3004 and 3014 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6924, and 6934).

§ 266.100 [Amended]

4. Section 266.100 is amended by removing the note to paragraph (a).

>>>> § 271 has not been included because it is not required as part of a State's Hazardous Waste Program. <<<<

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