

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 271, and 302

[FRL-4134-2]

RIN 2050-AC85

Identification and Listing of Hazardous Waste; CERCLA Hazardous Substance Designation; Reportable Quantity Adjustment; Coke By-Products Wastes

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency is today amending its regulations under the Resource Conservation and Recovery Act (RCRA) by listing as hazardous seven wastes generated during the production, recovery, and refining of coke by-products produced from coal. EPA is adding seven wastes to the list of hazardous wastes from specific sources. EPA is also amending appendix VII of 40 CFR part 261 to add the constituents for which these wastes are being listed. In addition, the Agency is finalizing the proposed determination not to list as hazardous wastes wastewaters from coking and tar refining operations.

The effect of listing K141 through K145, K147 and K148 will be to subject these materials to the hazardous waste regulations of 40 CFR parts 124, 262 through 266, 268, 270 and 271, the notification requirements of RCRA 3010, and the notification requirements under section 103 of CERCLA.

In addition to the listings, the Agency is today amending and clarifying an exclusion from the definition of solid waste for wastes from the coke by-products process that exhibit the TC and are recycled by being returned to coke ovens or mixed with coal tar. (57 FR 27880).

EFFECTIVE DATE: Today's final rule will become effective on February 18, 1993.

ADDRESSES: The official record for this rulemaking is identified as Docket Number F-92-CBPF-FFFFF and is located in the EPA RCRA Docket, room M2427, 401 M Street, SW., Washington, DC 20460. The public must make an appointment in order to review docket materials by calling (202) 260-9327 for the RCRA portion of the docket, or (202) 260-3046 for the CERCLA portion of the docket. Both dockets are available for inspection from 9 a.m. to 4

p.m., Monday through Friday, excluding holidays. The public may copy up to 100 pages from the docket at no charge. Additional copies cost \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: The RCRA/Superfund Hotline toll-free at (800) 424-9346 (voice) or (800) 553-7672 (TDD), or, in the Washington, DC metropolitan area, (703) 920-9810 (voice) or (703) 486-3323 (TDD). For technical information on the RCRA portion of the rule, contact Mr. Ron Josephson of the Office of Solid Waste (OS-333) at (202) 260-4770. For technical information on the CERCLA portion of the rule, contact Ms. Gerain Perry, Office of Emergency and Remedial Response (OS-210) at (202) 260-2190.

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

For the reasons set out in the preamble, chapter I of title 40 of the Code of Federal Regulations is amended as follows:

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, 6922, and 6938.

2. In § 261.4, paragraph (a)(10) is revised to read as follows:

§ 261.4 Exclusions.

(a) * * *

(10) EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic (TC) 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 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 tar recovery or refining processes, or mixed with coal tar.

* * * * *

3. Section 261.32 is amended by adding the following hazardous waste listings in alphanumeric order to the subgroup Coking to read as follows:

§ 261.32 Hazardous wastes from specific sources.

* * * * *

| Industry and EPA hazardous waste No. | Hazardous waste | Hazard code |
|--------------------------------------|--|-------------|
| * | * * * * * | * |
| Coking: | | |
| * | * * * * * | * |
| K141 | Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke from coal or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludges from coking operations). | (T) |
| K142 | Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal. | (T) |
| K143 | Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal. | (T) |
| K144 | Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal. | (T) |
| K145 | Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal. | (T) |
| K147 | Tar storage tank residues from coal tar refining. | (T) |
| K148 | Residues from coal tar distillation, including but not limited to, still bottoms. | (T) |

4. In part 261, Appendix VII is amended to add the following waste streams in alphanumeric order to read as follows:

Appendix VII -- Basis for Listing Hazardous Waste

| EPA hazardous waste No. | Hazardous constituents for which listed |
|-------------------------|--|
| * | * * * * * |
| K141 | Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene. |
| K142 | Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene. |
| K143 | Benzene, benz(a)anthracene, benzo(b)fluoranthene, benzo(k)fluoranthene. |
| K144 | Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene. |
| K145 | Benzene, benz(a)anthracene, benzo(a)pyrene, dibenz(a,h)anthracene, naphthalene. |
| K147 | Benzene, benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene. |
| K148 | Benz(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene. |

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>>> § 271 and § 302 have not been included because they are not required as part of a State's Hazardous Waste Program. <<<

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