

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[EPA/OSW FR-91-015; FR-3914-2]

RIN 2050-AA78

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Hydrocarbon Recovery Operations

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: On November 7, 1990, the Agency proposed to extend the compliance date for the Toxicity Characteristic until January 25, 1993 for produced groundwater from free phase hydrocarbon recovery operations at certain petroleum industry sites-namely, refineries, marketing terminals, and bulk plants. Made aware of likely disruptions to cleanup operations at these facilities after the Toxicity Characteristic rulemaking process, the Agency concluded that an extension of the compliance date would ensure that these operations would not be interrupted and thereby avoid setbacks in their remediation activities.

The Agency is today making final this proposed extension. However, the scope of the extension has been expanded to include free hydrocarbon recovery operations at petroleum pipeline and transportation sector spill sites as well as petroleum refineries, marketing terminals, and bulk plants. Additionally, free phase hydrocarbon recovery operations involving infiltration galleries will not be included in the scope of the extension.

EFFECTIVE DATE: March 25, 1991.

ADDRESSES: The public docket for this rulemaking is located at room M2427, U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460. The docket number assigned to this notice is F-90-PRAS-FFFFF. The EPA RCRA docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, the public must make an appointment by calling (202) 475-9327. A maximum of 50 pages may be copied from any regulatory docket at no cost. Additional copies cost \$0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact the RCRA/Superfund Hotline at (800) 424-9346 toll free, or (703) 920-9810 in the Washington, DC metropolitan area. For information on specific aspects of this notice, contact Dave Topping, Waste Identification Branch, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 (202) 382-7737.

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

For the reasons set out in the preamble, chapter I of title 40 of the CFR part 261 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. Section 261.4 is amended by revising paragraph (b)(11) to read as follows:

§ 261.4 Exclusions.

* * * * *

(b) * * *

(11) Injected groundwater that is hazardous only because it exhibits the Toxicity Characteristic (Hazardous Waste Codes D018 through D043 only) in § 261.24 of this part that is reinjected through an underground injection well pursuant to free phase hydrocarbon recovery operations undertaken at petroleum refineries, petroleum marketing terminals, petroleum bulk plants, petroleum pipelines, and petroleum transportation spill sites until January 25, 1993. This extension applies to recovery operations in existence, or for which contracts have been issued, on or before March 25, 1991. For groundwater returned through infiltration galleries from such operations at petroleum refineries, marketing terminals, and bulk plants, until [insert date six months after publication]. New operations involving injection wells (beginning after March 25, 1991) will qualify for this compliance date extension (until January 25, 1993) only if: (i) Operations are performed pursuant to a written state agreement that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed; and

(ii) A copy of the written agreement has been submitted to: Characteristics Section (OS-333), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

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