

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SWH-FRL-3904-5/EPA/OSW-FR-91-005]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule with request for comments.

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SUMMARY: On March 29, 1990, the Environmental Protection Agency (EPA) promulgated revisions to the toxicity characteristic, one of several characteristics used to identify waste regulated as hazardous under Subtitle C of the Resource Conservation and Recovery Act (RCRA). Since the promulgation of the Toxicity Characteristic (TC), the Agency has received information that the rule's immediate application may cause certain used chlorofluorocarbon (CFC) refrigerants to be subject to hazardous waste regulations because they exhibit the TC. EPA is concerned that subjecting used CFC refrigerants to Subtitle C regulations will promote continued or increased venting, increasing the levels of ozone-depleting substances in the stratosphere. As a result of this new information and to allow time for gathering additional information and giving all relevant facts careful consideration, the Agency is promulgating today's interim final rule to suspend the TC rule for used refrigerants which exhibit the toxicity characteristic and which are recycled. The exemption only applies if the refrigerants are reclaimed for reuse. At the same time, the Agency is seeking public comment on the merits of this suspension.

DATES: Effective Date: February 5, 1991. Comment Date: Comments must be submitted on or before April 1, 1991.

ADDRESSES: The public must send an original and two copies of their comments to: RCRA Docket Information Center (OS-305), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460.

Place the docket number F-91-CFIF-FFFFF on your comments. The EPA RCRA docket is located at: EPA RCRA Docket (room M2427), 401 M Street SW., Washington, DC 20406.

The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except for Federal holidays. The public must make an appointment to review docket materials. Call (202) 475-9327 for appointments. Copies of docket materials cost \$0.15/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 Becky Cuthbertson, Regulatory Development Branch, Office of Solid Waste (OS-332), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (202) 475-8551.

>>>> 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, 6922, and 6938.

2. Section 261.4 is amended by adding paragraph (b)(12) to read as follows:

§ 261.4 Exclusions.

\* \* \* \* \*

(b) \* \* \*

(12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that use chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

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