

40 CFR Parts 261, 271, and 302

[FRL-FFFF-F; 3922-3]

RIN 2050-AB70

Hazardous Waste Management System: Identification and Listing of Hazardous Waste; CERCLA Hazardous Substance Designation-Petroleum Refinery Primary and Secondary Oil/Water/Solids Separation Sludge Listings (F037 and F038)

AGENCY: Environmental Protection Agency.

ACTION: Interim final rule with request for comments.

SUMMARY: On November 2, 1990 the Environmental Protection Agency (EPA) promulgated regulations under the Resource Conservation and Recover Act (RCRA) to add two wastes to the list of hazardous wastes under 40 CFR 261.31. These wastes, designated as F037 and F038, are generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling wastewaters.

New information acquired by the Agency since the promulgation of the F037 and F038 listings indicates that inclusion of non-contact, once-through cooling waters in the definition of "oily cooling waters" has included within the scope of the listing separation sludges that are not similar in constituent concentration or oil/grease content to other sludges generated in the separation of oil/water/solids from petroleum refinery process wastewaters and oily cooling waters. Based on the newly received information, the Agency is today promulgating an interim final rule revising the definition of wastes subject to the F037 and F038 listings to state that sludges from non-contact, once-through cooling waters are not included.

Further, the Agency is amending the definition of petroleum refinery secondary (emulsified) oil/water/solids separation sludge, F038, to clarify that floats generated in aggressive biological treatment units are not included in the listing description of that waste stream.

DATES: This interim final rule is effective May 2, 1991.

Comments on today's action and any additional data must be received on or before June 30, 1991.

ADDRESSES: The official record for this rulemaking is identified as Docket Number F-91-PT1F-FFFFF and is located in the EPA RCRA Docket Room, M2427, 401 M Street, SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m. Monday through Friday, except Federal holidays. To review docket material, the public must make an appointment by calling (202) 475-9327. The public may copy a maximum of 100 pages of material from any one regulatory docket at no cost. Additional copies cost \$0.15 per page. The public must send an original and two copies of their comments to the above docket. Place the Docket Number F-91-PT1F-FFFFF on your comments.

FOR FURTHER INFORMATION CONTACT: For general information about this rulemaking, contact the RCRA/Superfund Hotline at (800) 424-9346 or (703) 920-9810. For technical information, contact John Austin, Office of Solid Waste (WH-562), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460 or by telephone at (202) 382-4789. For further information on the CERCLA portions of this rule, contact Gerain Perry, Response Standards and Criteria Branch, Emergency Response Division (OS-210), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460; (202) 382-2198.

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

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

PART 261-IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

Authority: 42 U.S.C. 6905, 6912(a), 6221, 6922, and 6938.

2. The table in § 261.31(a) is amended by revising the entries F037 and F038 to read as follows:

§ 261.31 Hazardous waste from non-specific sources

(a) * * *

Industry and EPA hazardous waste no.	Hazardous waste	Hazard code
F037	Petroleum refinery primary oil/water/solids separation sludge-Any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.	(T)
F038	Petroleum refinery secondary (emulsified) oil/water/solids separation sludge-Any sludge and/or float generated from the physical and/or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated in: induced air flotation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges and floats generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment	(T)

F037

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F037

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Petroleum refinery
primary
oil/water/solids
separation sludge-Any
sludge generated from
the gravitational
separation of
oil/water/solids during
the storage or
treatment of process
wastewaters and oily
cooling wastewaters
from petroleum
refineries. Such
sludges include, but
are not limited to,
those generated in:
oil/water/solids
separators; tanks and
impoundments; ditches
and other conveyances;
sumps; and stormwater
units receiving dry
weather flow. Sludge
generated in stormwater
units that do not
receive dry weather
flow, sludges generated
from non-contact once-
through cooling waters
segregated for
treatment from other
process or oily cooling
waters, sludges
generated in aggressive
biological treatment
units as defined in §
261.31(b)(2) (including
sludges generated in
one or more additional
units after wastewaters
have been treated in
aggressive biological
treatment units) and
K051 wastes are not
included in this
listing

F038

1*

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F038

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Petroleum refinery
secondary (emulsified)
oil/water/solids
separation sludge-Any
sludge and/or float
generated from the
physical and/or
chemical separation of
oil/water/solids in
process wastewaters and
oily cooling
wastewaters from
petroleum refineries.
Such wastes include,
but are not limited to,
all sludges and floats
generated in: induced
air flotation (IAF)
units, tanks and
impoundments, and all

sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from once-through non-contact cooling waters segregated for treatment from other process or oil cooling wastes, sludges and floats generated in aggressive biological treatment units as defined in § 261.31(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and F037, K048, and K051 wastes are not included in this listing.

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+ Indicates the statutory sources as defined by 4 below.
⁴Indicates that the statutory source for designation of this hazardous substance under CERCLA is RCRA Section 3001.
1* Indicates that the 1-pound RQ is a CERCLA statutory RQ.
The Agency may adjust the statutory RQ for this hazardous substance in a future rulemaking; until then the statutory RQ applies.