



# Environmental Fact Sheet

## TWO NEW HAZARDOUS WASTE CODES ADDED FROM ORGANOBROMINE PRODUCTION

*The U.S. Environmental Protection Agency (EPA) is promulgating a final rule to add two new hazardous waste codes to its current lists of hazardous waste. This final rule satisfies the mandates under the Hazardous and Solid Waste Amendments of 1984 to make listing determinations for wastes generated from the production of organobromine chemicals.*

### Background

Under Subtitle C of the Resource Conservation and Recovery Act (RCRA), Congress authorized EPA to regulate the treatment, storage, and disposal of hazardous waste. In addition, the Hazardous and Solid Waste Amendments of 1984 required EPA to determine whether wastes generated by the production of organobromines should be included on the RCRA list of regulated hazardous wastes. In response to this mandate, the Agency undertook a 2-year study of the industry and then listed as hazardous several wastes from the production of ethylene dibromide (EDB) and methyl bromide. The final rule listing hazardous wastes from the production of EDB (RCRA waste codes K117, K118, and K136) was published in the *Federal Register* on February 13, 1986 (51 *FR* 5327). The final rule listing hazardous wastes from methyl bromide production (RCRA waste codes K131 and K132) was published on October 6, 1989 (54 *FR* 41402).

In June of 1991, EPA entered into a proposed consent decree with the Environmental Defense Fund et al. (*EDF v. Reilly*, Civ. No. 89-0598 (D.D.C.)), in which the Agency agreed, among other things, to publish proposed and final determinations on whether to list wastes as RCRA hazardous from the production of five additional organobromine chemicals. EPA published a proposed rule on the listing of organobromine wastes in the *Federal Register* on May 11, 1994 (59 *FR* 24530). EPA proposed to list two waste codes for 2,4,6-tribromophenol waste, not to list nine wastes, and to defer action on waste from the production of tetrabromobisphenol-A. Under a recently lodged proposed consent order in that case, the Agency was required to promulgate a final decision on or before April 15, 1998, on whether or not to list these wastes as hazardous.

### Action

Under this final rule, EPA is adding two new RCRA hazardous waste codes to its current lists of hazardous wastes:

- C K140-- floor sweepings, off-specification product and spent filter media from the production of 2,4,6-tribromophenol
- C U408--2,4,6-tribromophenol (i.e., discarded commercial chemical products, off-specification

species, container residues, and spill residues thereof).

EPA is also adding 2,4,6-tribromophenol to the list of hazardous constituents in Appendix VIII of 40 CFR Part 261. In addition, EPA is amending the land disposal restrictions treatment standards for hazardous waste by adding these new wastes.

These two hazardous waste codes are listed based on the high concentrations of 2,4,6-tribromophenol in the wastes. The Agency's risk assessment indicates that this chemical would be mobile in a leachate and may present high risk to human health and the environment, if the waste were disposed of untreated in a landfill.

In its 1994 proposal package, EPA deferred action on listing one of two waste streams from the production of tetrabromobisphenol-A. The Agency has now determined not to list that waste. In addition, EPA has made a final determination not to list as hazardous nine waste streams from the production of bromochloromethane, ethyl bromide, octabromodiphenyl oxide, decabromodiphenyl oxide, and 2,4,6-tribromophenol wastewaters.

### **Applicability**

Wastes listed as hazardous are subject to federal requirements under RCRA for persons who generate, transport, treat, store, or dispose of such waste. Facilities that must meet the hazardous waste treatment, storage, and disposal requirements, including the need to obtain permits to operate, are commonly referred to as RCRA Subtitle C facilities. Subtitle C is the original statutory designation for that part of RCRA in which Congress directs EPA to issue regulations for hazardous wastes as necessary to protect human health or the environment.

The effect of this hazardous waste listing subjects the waste to stringent management standards under RCRA, as well as to emergency notification requirements when hazardous substances are released to the environment. These emergency notifications are required under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) and the Emergency Planning and Community Right to Know Act (EPCRA). For these notifications, EPA is adjusting the reportable quantities (RQs) for 2,4,6-tribromophenol (U408) and waste code K140 to 100 pounds each.

### **For More Information**

The *Federal Register* notice and this fact sheet are available in electronic format on the Internet through the EPA Public Access Server. For additional information or to order paper copies of the *Federal Register* notice, call the RCRA Hotline at (800) 424-9346 outside the Washington, DC, area and (703) 412-9810. Copies of documents applicable to this rule may be obtained by writing: RCRA Information Center (RIC), U.S. Environmental Protection Agency, Office of Solid Waste (5305W), 401 M Street SW, Washington, DC 20460.