

US EPA ARCHIVE DOCUMENT

RCRA REVISION CHECKLIST 98
(REVISED)

Coke Ovens Administrative Stay
56 FR 43874-43877
September 5, 1991
(RCRA Cluster II, HSWA provisions)

Note: The final rule addressed by this Revision Checklist added an administrative stay of the permitting standards for boilers and industrial furnaces (BIFs) adopted pursuant to the February 21, 1991 (56 FR 7134; Revision Checklist 85) final rule as it applies to coke ovens burning certain hazardous wastes from the coke by-products recovery process. The primary effect of the stay was to halt the application of industrial furnace standards to coke ovens when they reprocess non-K087 hazardous wastes while the Agency evaluated comments on a pending regulatory proposal to exclude certain wastes from Subtitle C jurisdiction when recycled by reprocessing in coke ovens. This stay was terminated by EPA as part of the changes made by Revision Checklist 105 (June 22, 1992; 57 FR 27880) which finalized this pending regulatory proposal. The June 22, 1992 final rule excluded from the definition of solid waste coke-by-product plant residues that exhibit the TC when they are recycled by being returned to coke ovens or mixed with coal tar. This exclusion differs from the administrative stay introduced by Revision Checklist 98 in that the exclusion does not just apply to the coke production process. States that are seeking authorization for BIFs should not adopt the administrative stay introduced by Revision Checklist 98. Instead, States wishing to exclude the subject wastes from regulation should seek authorization for Revision Checklist 105.

This checklist also made two wording changes to the provision at 266.100(a). The replacement of “(c), (d) and (f)” with “(c) and (d)” is an error. The reference should remain as “(c), (d) and (f)”. This error was corrected by Revision Checklist 111 (August 25, 1992; 57 FR 38558). Therefore, the only change by this Revision Checklist that is not obsolete is the removal of the word “operating” before “permit”.

RCRA REVISION CHECKLIST 98 (REVISED): Burning of Hazardous Waste in
Boilers and Industrial Furnaces;
Administrative Stay of Applicability and Technical Amendment (cont'd)

FEDERAL REQUIREMENT	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:		
			EQUIV- ALENT	MORE STRINGENT	BROADER IN SCOPE

PART 266 - STANDARDS FOR THE MANAGEMENT OF SPECIFIC HAZARDOUS WASTES
AND SPECIFIC TYPES OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART H - HAZARDOUS WASTE BURNED IN BOILERS AND INDUSTRIAL FURNACES

†,1 APPLICABILITY

replace "(c), (d)
and (f)" with
"(c) and (d)";
remove "operating"
before "permit"; add
note stating the pro-
vision does not apply
to coke ovens
processing coke by-
products wastes ex-
hibiting the Toxicity
Characteristic identi-
fied in 261.24 pending
completion of
proposed July 26,
1991 rulemaking

266.100(a)

- ¹ Note the only change made to this provision which States should adopt is the removal of the word "operating" before "permit". See the prenote to this checklist for a detailed explanation.