

US EPA ARCHIVE DOCUMENT

## RCRA REVISION CHECKLIST 189

## Chlorinated Aliphatics Listing and LDRs for Newly Identified Wastes

65 FR 67068-67133

November 8, 2000

(RCRA Cluster XI, HSWA)

FEDERAL REQUIREMENTS	FEDERAL RCRA CITATION	ANALOGOUS STATE CITATION	STATE ANALOG IS:			
			EQUIV- ALENT	LESS STRIN- GENT	MOR E STRI- N- GENT	BROADE R IN SCOPE

## PART 261 – IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

## SUBPART D – LISTS OF HAZARDOUS WASTES

## HAZARDOUS WASTES FROM SPECIFIC SOURCES

add following waste streams to subgroup “Organic chemicals” in alphanumeric order	261.32					
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Industry and EPA hazardous waste No.	Hazardous Waste										Hazard code
*	*	*	*	*	*	*	*	*	*	*	*

## Organic chemicals:

*	*	*	*	*	*	*	*	*	*	*	*
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K174 . . . . . Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer (including sludges that result from commingled ethylene dichloride or vinyl chloride monomer wastewater and other wastewater), unless the sludges meet the following conditions: (i) they are disposed of in a subtitle C or non-hazardous landfill licensed or permitted by the state or federal government; (ii) they are not otherwise placed on the land prior to final disposal; and (iii) the generator maintains documentation demonstrating that the waste was either disposed of in an on-site landfill or consigned to a transporter or disposal facility that provided a written commitment to dispose of the waste in an off-site landfill. Respondents in any action brought to enforce the requirements of subtitle C must, upon a showing by the government that the respondent managed wastewater treatment sludges from the production of vinyl chloride monomer or ethylene dichloride, demonstrate that they meet the terms of the exclusion set forth above. In doing so, they must provide appropriate documentation (*e.g.*, contracts between the generator and the landfill owner/operator, invoices documenting delivery of waste to landfill, *etc.*) that the terms of the exclusion were met. (T)

K175 . . . . . Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process. (T)

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* * * *	* *	* *	*	*	*	*

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## APPENDIX VII TO PART 261

### BASIS FOR LISTING HAZARDOUS WASTE

1 add to appendix in alphanumeric order, the following waste streams	261 Appendix VII					
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EPA hazardous waste No.	Hazardous constituents for which listed
* * * *	* * * *
K174 .....	1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD), 1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8-HpCDF), 1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,6,7,8,9-HpCDF), HxCDDs (All Hexachlorodibenzo-p-dioxins), HxCDFs (All Hexachlorodibenzofurans), PeCDDs (All Pentachlorodibenzo-p-dioxins), OCDD (1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin), OCDF (1,2,3,4,6,7,8,9-Octachlorodibenzofuran), PeCDFs (All Pentachlorodibenzofurans), TCDDs (All Tetrachlorodibenzo-p-dioxins), TCDFs (All Tetrachlorodibenzofurans).
K175 .....	Mercury
* * * *	* * * *

## APPENDIX VIII TO PART 261

### HAZARDOUS CONSTITUENTS

add to appendix in alphabetical order, the following entries	261 Appendix VIII					
						Hazardou s waste
Common name			Chemical abstracts name		Chemical abstracts No.	No.
*	*	*	*	*	*	*
Octachlorodibenzo-p-dioxin (OCDD). . . . .			1,2,3,4,6,7,8,9- Octachlorodibenzo-p-dioxin		3268-87-9	. . . . .
Octachlorodibenzofuran (OCDF). . . . .			1,2,3,4,6,7,8,9- Octachlorodibenzofuran . . . . .		39001-02-0	. . . . .
*	*	*	*	*	*	*

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PART 268 – LAND DISPOSAL RESTRICTIONS

SUBPART C – PROHIBITIONS ON LAND DISPOSAL

2 WASTE SPECIFIC PROHIBITIONS -- CHLORINATED ALIPHATIC WASTES

add new paragraph; effective May 8, 2001, wastes K174 and K175, soil and debris contaminated with these wastes, radioactive wastes mixed with these wastes, and soil and debris contaminated with radioactive wastes mixed with these wastes are prohibited from land disposal	268.33(a)					
add new paragraph; requirements of 268.33(a) do not apply if:	268.33(b) intro					
wastes meet treatment standards specified in 268 subpart D;	268.33(b)(1)					
exemption from a prohibition pursuant to petition granted under 268.6, with respect to wastes and units covered by the petition;	268.33(b)(2)					
wastes meet treatment standards established pursuant to petition granted under 268.44;	268.33(b)(3)					

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hazardous debris has met treatment standards in 268.40 or alternative treatment standards in 268.45; or	268.33(b)(4)					
extension to effective date of prohibition granted pursuant to 268.5, with respect to wastes covered by extension	268.33(b)(5)					
add new paragraph; to determine if identified hazardous waste exceeds 268.40 treatment standards, initial generator must test waste, or use knowledge of waste; if waste contains regulated constituents in excess of 268 subpart D levels, waste is prohibited from land disposal, and all requirements of part 268 are applicable, except as otherwise specified	268.33(c)					
add new paragraph; disposal of K175 wastes complying with 268.40 treatment standards must also be macroencapsulated in accordance with 268.45 Table 1 unless waste is placed in:	268.33(d) intro					

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Subtitle C monofill containing only applicable K175 wastes that meet 268.40 treatment standards; or	268.33(d)(1)					
dedicated Subtitle C landfill cell in which other co-disposed wastes are at pH#6.0	268.33(d)(2)					

SUBPART D – TREATMENT STANDARDS

APPLICABILITY OF TREATMENT STANDARDS

3 add entries to F039 in alphabetic order, add in alphanumeric order new entries for K174 and K175, and add new footnote 12 as shown at 65 <u>FR</u> 67128-67131	268.40/Table					
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UNIVERSAL TREATMENT STANDARDS

4 add following to the subgroup “ <i>Organic Constituents</i> ” in alphabetical order	268.48(a)/Table					
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UNIVERSAL TREATMENT STANDARDS NOTE: NA means not applicable

									Wastewater Standard	Nonwastewater Standard
REGULATED CONSTITUENT Common Name									Concentration in mg/l <sup>2</sup>	Concentration in mg/kg <sup>3</sup> unless noted as “mg/l TCLP”
*	*	*	*	*	*	*	*	*	*	*
1,2,3,4,6,7,8-Heptachlorodibenzo-p-dioxin (1,2,3,4,6,7,8-HpCDD) .....									0.000035	0.0025

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1,2,3,4,6,7,8-Heptachlorodibenzofuran (1,2,3,4,6,7,8- HpCDF) .....		67562-39-4		0.000035		0.0025
1,2,3,4,7,8,9-Heptachlorodibenzofuran (1,2,3,4,7,8,9- HpCDF) .....		55673-89-7		0.000035		0.0025
* * * * *				*	*	*
1,2,3,4,6,7,8,9-Octachlorodibenzo-p-dioxin (OCDD) . . . . .		3268-87-9		0.000063		0.005
1,2,3,4,6,7,8,9-Octachlorodibenzofuran (OCDF) . . . . .		39001-02-0		0.000063		0.005
* * * * *				*	*	*

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<sup>1</sup> Note the following typographical errors in the November 8, 2000 rule, in the entry for K174 on page 67127:

- There should be a closing bracket following “Octachlorodibenzo-p-dioxin” in line 4 of the “Hazardous constituents for which listed” column;
- There should not be a hyphenation between “tetrachlorodi” and “benzo-p-dioxins” in line 5 of the “Hazardous constituents for which listed” column; and
- Both “tetrachlororodibenzo-p-dioxins” and “tetrachlorodibenzofurans” should be initially capitalized as with other constituents, in line 5 of the “Hazardous constituents for which listed” column.

<sup>2</sup> This is a new section added by the 65 FR 67068 (November 8, 2000) rule. Originally, 268.33 dealt with “Waste Specific Prohibitions – First Third Wastes,” but pursuant to 62 FR 25998-26040 (May 12, 1997; Revision Checklist 157), the section was removed and reserved effective August 11, 1997. Revision Checklist 165 (63 FR 24596; May 4, 1998) added a new section at 268.33 but this rule was vacated on April 9, 1999. The July 1, 2000 CFR reserved section 268.33.

<sup>3</sup> Note that in addition to adding a new footnote 12 to the table, the November 8, 2000 rule (Revision Checklist 189) also republished footnotes 1-5 and 11. The only changes to these footnotes were revising upper case “Part” and “Subpart” to lower case “part” and “subpart” in footnotes 5 and 11.

<sup>4</sup> Note that although the amendatory language states the footnotes are republished without change, “mg/l” is incorrectly revised to “mg/L” in footnote 2. Also note that lower case “part” and “subpart” were incorrectly revised to upper case “Part” and “Subpart” in footnote 3. States should not adopt these revisions.