

US EPA ARCHIVE DOCUMENT

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 268

[EPA # 530-Z-96-PH3F-FFFFF; FRL-5676-4]

Land Disposal Restrictions Phase III--Emergency Extension of the  
K088 Capacity Variance

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

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**SUMMARY:** Under the Land Disposal Restrictions (LDR) program of the Resource Conservation and Recovery Act (RCRA), EPA is extending the current national capacity variance for spent potliners from primary aluminum production (Hazardous Waste Number K088) for six (6) months. Thus, K088 wastes do not have to be treated to meet LDR treatment standards until July 8, 1997, six months from the current treatment standard effective date of January 8, 1997. EPA is extending the national capacity variance due to unanticipated performance problems by the treatment technology which provides most of the available treatment capacity for these wastes. As a result, the Agency does not believe that sufficient treatment capacity which minimizes short and long-term threats to human health and the environment posed by land disposal of the potliners is presently available. The length of the extension of the national capacity variance is based on EPA's best current estimate of the time it will take to modify, evaluate, and correct the current deficiencies in treatment performance.

**EFFECTIVE DATE:** January 8, 1997.

**ADDRESSES:** Supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA. The Docket Identification Number is F-96-PH3F-FFFFF. The RCRA 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 by calling (703) 603-9230. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page.

**FOR FURTHER INFORMATION CONTACT:** For general information, contact the RCRA Hotline at (800) 424-9346 (toll-free) or TDD (800) 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412-9810 or TDD (703) 412-3323. For specific information, contact the Waste Treatment Branch (5302W), Office of Solid Waste

(OSW), U.S. Environmental Protection Agency, 401 M Street S.W., Washington, D.C. 20460; phone (703) 308-8434. For information on the capacity analyses, call Pan Lee or Bill Kline at (703) 308-8440. For information on the regulatory impact analyses, contact Paul Borst at (703) 308-0481. For other questions, call John Austin at (703) 308-0436 or Mary Cunningham at (703) 308-8453.

>>>> The preamble has not been included in this file. <<<<

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

#### PART 268--LAND DISPOSAL RESTRICTIONS

1. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

2. Section 268.39 is amended by revising paragraph (c) to read as follows:

§ 268.39 Waste specific prohibitions--spent aluminum potliners; reactive; and carbamate wastes.

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(c) On July 8, 1997, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal on July 8, 1997.

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