

US EPA ARCHIVE DOCUMENT

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 268, 271, and 302

[EPA530-Z-97-FFF; FRL-5839-7]

RIN 2050-AD59

Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions; Authorization of State Hazardous Waste Programs; and CERCLA Hazardous Substance Designation and Reportable Quantities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is amending its regulations to conform with the federal appeals court ruling in *Dithiocarbamate Task Force v. EPA*, 98 F.3d 1394 (D.C.Cir. 1996), that invalidated, in part, Agency regulations listing certain carbamate wastes as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). These regulations pertain to hazardous waste management of carbamate industry wastes under RCRA, related rules affecting the list of hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and regulations issued under state programs approved by the Administrator. Under the court's decision, and amended in today's rule, the vacated federal hazardous waste listings and regulatory requirements based on those listings are to be treated as though they have never been in effect. State regulations, which may be more stringent than federal rules, were not necessarily affected by the court's ruling.

EFFECTIVE DATE: This final rule takes effect on May 29, 1997.

ADDRESSES: Supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The Docket Identification Number is F-97-2CPF-FFFFF.

The RIC is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (703) 603-9230. The public may copy a maximum of 100 pages from the docket at no charge; additional copies are \$0.15 per page.

FOR FURTHER INFORMATION CONTACT: The RCRA Hotline between 9:00a.m.-6:00 p.m. EST, toll-free, at 800-424-9346; 703-412-9810 from Government phones or if in the Washington,

DC local calling area; or 800-553-7672 for the hearing impaired. For more detailed information on specific aspects of the rulemaking, contact Caroline Gerwe by calling 703-308-3540 or by writing, to U.S. Environmental Protection Agency, Office of Solid Waste, Hazardous Waste Identification Division, 401 M St., SW., (Mailcode 5304W), Washington, DC 20460.

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

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

PART 261--IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

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

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. Section 261.32 is amended in the table under "Organic Chemicals" by removing the entry for K160, and revising the entries for K156, K157, and K158 to read as follows:

§ 261.32 Hazardous waste from specific sources.

* * * * *

Industry and EPA hazardous waste No.	Hazardous waste	Hazard code
* * * * *	* * * * *	*
Organic chemicals:		
* * * * *	* * * * *	*
K156	Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.).	(T)
K157	Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.).	(T)
K158	Bag house dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. (This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.).	(T)
* * * * *	* * * * *	*

§ 261.33 [Amended]

3. Section 261.33(f) is amended in the table by removing in their entirety the following entries:

H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester, (U365)

Bis(dimethylthiocarbamoyl) sulfide, (U401)

Bis (pentamethylene)thiuram tetrasulfide, (U400)
Butylate, (U392)
Carbamic acid, butyl-,3-iodo-2-propynyl ester, (U375)
Carbamodithioic acid, dibutyl, sodium salt, (U379)
Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester, (U277)
Carbamodithioic acid, diethyl-, sodium salt, (U381)
Carbamodithioic acid, dimethyl-, potassium salt, (U383)
Carbamodithioic acid, dimethyl-, sodium salt, (U382)
Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid, (U376)
Carbamodithioic acid, (hydroxymethyl) methyl-,monopotassium salt, (U378)
Carbamodithioic acid, methyl-, monosodium salt, (U384)
Carbamodithioic acid, methyl-,monopotassium salt, (U377)
Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester, (U392)
Carbamothioic acid, butylethyl-,S-propyl ester, (U391)
Carbamothioic acid, cyclohexylethyl-, S-ethyl ester, (U386)
Carbamothioic acid, dipropyl-, S-ethyl ester, (U390)
Carbamothioic acid, dipropyl-, S-propyl ester, (U385)
Copper, bis(dimethylcarbamodithioato-S,S')-, (U393)
Copper dimethyldithiocarbamate,(U393)
Cycloate, (U386)
Dazomet, (U366)
Disulfiram, (U403)
EPTC, (U390)
Ethyl Ziram, (U407)
Ferbam, (U396)
3-Iodo-2-propynyl n-butylcarbamate, (U375)
Iron, tris(dimethylcarbamodithioato-S,S')-, (U396)
Metam Sodium, (U384)
Molinate, (U365)
Pebulate, (U391)
Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-, (U400)
Potassium dimethyldithiocarbamate, (U383)
Potassium n-hydroxymethyl-n-methyldi-thiocarbamate, (U378)
Potassium n-methyldithiocarbamate, (U377)
Selenium, tetrakis(dimethyldithiocarbamate), (U376)
Sodium dibutyldithiocarbamate, (U379)
Sodium diethyldithiocarbamate, (U381)
Sodium dimethyldithiocarbamate, (U382)
Sulfallate, (U277)
Tetrabutylthiuram disulfide, (U402)
Tetramethylthiuram monosulfide, (U401)
2H-1,3,5-Tthiadiazine-2-thione, tetrahydro-3,5-dimethyl-, (U366)
Thioperoxydicarbonic diamide, tetrabutyl, (U402)
Thioperoxydicarbonic diamide, tetraethyl, (U403)
Vernolate, (U385)

Zinc, bis(diethylcarbamodithioato- S,S')-, (U407)

Appendix VII to Part 261 [Amended]

4. Appendix VII to Part 261 is amended by removing the entire entry for EPA hazardous waste number K160.

5. Appendix VIII to Part 261 is amended by removing entries "Potassium hydroxymethyl-n-methyl-dithiocarbamate" and "Tetrabutylthiuram monosulfide", and by revising and adding in appropriate alphabetical order the following entries to read as follows:

APPENDIX VIII TO PART 261--HAZARDOUS CONSTITUENTS

Common name	Chemical abstracts name	Chemical abstracts No.	Hazardous waste No.
* * * *	* * * *	* *	*
Bis(pentamethylene)-thiuram tetrasulfide. .	Piperidine, 1,1'-(tetrathiodicarbonothioyl)-bis-	120-54-7	.....
* * * *	* * * *	* *	*
Butylate	Carbamothioic acid, bis(2-methylpropyl)-, S-ethyl ester.	2008-41-5	.....
* * * *	* * * *	* *	*
Copper dimethyldithiocarbamate	Copper, bis(dimethylcarbamodithioato-S,S')-,	137-29-1	.....
* * * *	* * * *	* *	*
Cycloate	Carbamothioic acid, cyclohexylethyl-, S-ethyl ester.	1134-23-2	.....
* * * *	* * * *	* *	*
Dazomet	2H-1,3,5-thiadiazine-2-thione, tetrahydro-3,5-dimethyl.	533-74-4	.....
* * * *	* * * *	* *	*
Disulfiram	Thioperoxydicarbonic diamide, tetraethyl.	97-77-8	.....
* * * *	* * * *	* *	*
EPTC	Carbamothioic acid, dipropyl-, S-ethyl ester.	759-94-4	.....
* * * *	* * * *	* *	*
Ethyl Ziram	Zinc, bis(diethylcarbamodithioato-S,S')-.	14324-55-1	.....
* * * *	* * * *	* *	*
Ferbam	Iron, tris(dimethylcarbamodithioato-S,S')-,	14484-64-1	.....
* * * *	* * * *	* *	*
3-Iodo-2-propynyl n-butylcarbamate	Carbamic acid, butyl-, 3-iodo-2-propynyl ester.	55406-53-6	.....
* * * *	* * * *	* *	*
Metam Sodium	Carbamodithioic acid, methyl-, monosodium salt.	137-42-8	.....
* * * *	* * * *	* *	*
Molinate	1H-Azepine-1-carbothioic acid, hexahydro-, S-ethyl ester.	2212-67-1	.....
* * * *	* * * *	* *	*
Pebulate	Carbamothioic acid, butylethyl-, S-propyl ester.	1114-71-2	.....
* * * *	* * * *	* *	*

Potassium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl, potassium salt.	128-03-0
Potassium n-hydroxymethyl-n-methyl-dithiocarbamate.	Carbamodithioic acid, (hydroxymethyl)methyl-, monopotassium salt.	51026-28-9
Potassium n-methyldithiocarbamate	Carbamodithioic acid, methyl-monopotassium salt.	137-41-7
* * * *	* * * *	* * *
Selenium, tetrakis (dimethyl-dithiocarbamate).	Carbamodithioic acid, dimethyl-, tetraanhydrosulfide with orthothioselenious acid.	144-34-3
* * * *	* * * *	* * *
Sodium dibutyldithiocarbamate	Carbamodithioic acid, dibutyl, sodium salt.	136-30-1
Sodium diethyldithiocarbamate	Carbamodithioic acid, diethyl-, sodium salt.	148-18-5
Sodium dimethyldithiocarbamate	Carbamodithioic acid, dimethyl-, sodium salt.	128-04-1
* * * *	* * * *	* * *
Sulfallate	Carbamodithioic acid, diethyl-, 2-chloro-2-propenyl ester.	95-06-7
* * * *	* * * *	* * *
Tetrabutylthiuram disulfide	Thioperoxydicarbonic diamide, tetrabutyl.	1634-02-2
* * * *	* * * *	* * *
Tetramethylthiuram monosulfide	Bis(dimethylthiocarbamoyl) sulfide	97-74-5
* * * *	* * * *	* * *
Vernolate	Carbamothioic acid, dipropyl-,S-propyl ester.	1929-77-7
* * * *	* * * *	* * *

PART 268--LAND DISPOSAL RESTRICTIONS

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

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

7. Section 268.39 is amended by revising paragraphs (a) and (d) to read as follows:

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

(a) On July 8, 1996, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K156-K159, and K161; and in 40 CFR 261.33 as EPA Hazardous Waste numbers P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U278-U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409-U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

* * * * *

(d) On April 8, 1998, radioactive wastes mixed with K088, K156-K159, K161, P127, P128, P185, P188-P192, P194, P196-P199, P201-P205, U271, U278-U280, U364, U367, U372, U373, U387, U389, U394, U395, U404, and U409-U411 are prohibited from land disposal. In

addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

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§ 268.40 [Amended]

8. In § 268.40, the table is amended in the entries for K156, K157, and K158 by adding the language "(This listing does not apply to wastes generated from the manufacture of 3-iodo-2-propynyl n-butylcarbamate.)" at the end of the existing text in the second column.

>>>> Part 271 has not been included because it is not required as part of a State's Hazardous Waste Program. <<<<

>>>> Part 302 has not been included because it is not required as part of a State's Hazardous Waste Program. <<<<

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