

US EPA ARCHIVE DOCUMENT

40 CFR Part 261

[EPA/OSW-FR-90-FFF; SWM-FRL-3836-8]

RIN 2050-AA78

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Hydrocarbon Recovery Operations

AGENCY: EPA.

ACTION: Interim final rule with request for comments.

SUMMARY: On March 29, 1990, the Environmental Protection Agency (EPA) promulgated revisions to the toxicity characteristic, one of the tests used to determine whether particular wastes are regulated as hazardous under subtitle C of the Resource Conservation and Recovery Act (RCRA). New information acquired by the Agency since the promulgation of the Toxicity Characteristic (TC) rule indicates that immediate application of the TC could prevent continued operation of hydrocarbon recovery and remediation activities currently being conducted at a number of petroleum refineries and marketing terminals or bulk plants handling crude petroleum and immediate products of petroleum refining. The hydrocarbon recovery and remediation activities of concern are those that recover free-floating hydrocarbons from the contaminated aquifer, and include as part of the recovery, reinjection of contaminated ground water via underground injection wells or reinfiltration via an infiltration gallery into the same aquifer from which it was withdrawn.

The Agency believes that cessation of these activities may pose a substantially greater risk to human health and the environment than their continued operation under the existing regulatory authorities. As a result of this new information, the Agency is today promulgating an interim final rule which extends the compliance date of the TC rule for petroleum refining facilities, marketing terminals and bulk plants engaged in this specific recovery and remediation operation for 120 days. The period of the extension being promulgated today will allow the Agency to solicit public comment on issues related to these facilities, and to consider all available, pertinent information, and to develop the best solution to protect human health and the environment.

EFFECTIVE DATE: September 25, 1990.

ADDRESSES: The public docket for this rulemaking is located at Room M2427, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. The docket number assigned to this notice is F-90-PRAS-FFFFF. Persons who wish to comment on the notice should place the docket number on their comments and provide an original and two copies.

The EPA RCRA docket is open from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, the public must make an appointment by calling (202) 475-9372. A maximum of 50 pages may be copied from any regulatory docket at no cost. Additional copies cost \$0.20 per page.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact the RCRA/Superfund Hotline at (800) 424-9346 toll free, or (202) 382-3000 in Washington, DC metropolitan area. For information on specific aspects of this notice, contact David Topping of the Waste Identification Branch, Office of Solid Waste (OS-333), U.S. Environmental Protection Agency, 401 M. Street SW. Washington DC 20460, (202) 382-4770.

>>>> Preamble has not been included in this file. <<<<

For reasons set out in the preamble, chapter I of title 40 of the CFR part 261 is amended 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 261.4 is amended by adding paragraph (b)(11) to read as follows:

§ 261.4 Exclusions.

* * * * *

(b) * * *.

(11) Ground water that exhibits the Toxicity Characteristic in § 261.24 of this part that is reinjected or infiltrated pursuant to existing hydrocarbon recovery operations undertaken at petroleum refineries, and marketing terminals or bulk plants handling crude petroleum and immediate products of petroleum refining until January 25, 1991.

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