

US EPA ARCHIVE DOCUMENT

Revision Checklist 110 Summary

Rule Title: Identification and Listing of Hazardous Waste; CERCLA Hazardous Designation; Reportable Quality Adjustment; Coke By-Products Wastes
Checklist Title: Coke By-Products Listings
Reference: 57 FR 37284-37306
Promulgation Date: August 18, 1992
Effective Date: February 18, 1993
Cluster: RCRA III
Provision Type: HSWA
Linkage: Revision Checklists 85, 98 and 105
Optional: No

Summary: This rule adds seven wastes (K141-K145, K147 and K148) generated during the production, recovery, and refining of coke by-products produced from coal to the 40 CFR 261, Subpart D list of hazardous wastes from specific sources. Part 261, Appendix VII is also being amended. The rule also finalizes the proposed determination not to list as hazardous, wastewater from coking and tar refining operations. Finally, the June 22, 1992 (57 FR 27880) exclusion, from the definition of a solid waste for wastes from the coke by-products process that exhibit the TC and are recycled by being returned to coke ovens or mixed with coal tar, is amended and clarified.

State Authorization: This rule is placed in RCRA Cluster III. The State modification deadline is July 1, 1994 (or July 1, 1995, if a State statutory change is necessary). All changes go into effect immediately, because this rule was promulgated under HSWA authorities. Both interim and final authorization are available, with the former expiring on January 1, 2003. The State Revision Application must include applicable regulations, an AG statement addendum, Revision Checklist 110, other associated checklists and other application materials, i.e., a program description and an MOA, as determined by the Regional office.

Attorney General's Statement Entry: The following entry should replace the entry at I Y in the Model Revision Attorney General's Statement:

Y. [OPTIONAL: This is a reduced requirement.] State statutes and regulations exclude from being a solid waste K060, K087, K141, K142, K143, K144, K145, K147 and K148, and those coke by-product residues that are hazardous only because they exhibit the Toxicity Characteristic when, subsequent to generation, these wastes are recycled by being returned to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar as specified in Revision Checklists 105 and 110.

Federal Authority: RCRA §§3001(e)(2) and (h); 40 CFR 261.4(a)(10) as amended June 22, 1992 (57 FR 27880) and August 18, 1992 (57 FR 37284).

Citation of Laws and Regulations; Date of Enactment and Adoption

Remarks of the Attorney General

The following entry should be placed at Subsection I A(23) in the Model Attorney General's Statement.

Revision Checklist 110 Summary (cont'd)

- (23) Listing of seven wastes (K141, K142, K143, K144, K145, K147, and K148) generated during the production, recovery and refining of coke by-products produced from coal, 40 CFR 261.32, and Part 261 Appendix VII as amended August 18, 1992 [57 FR 37284], Revision Checklist 110.

[Note this entry does not need the sections titled "Federal Authority", "Citation of Laws and Regulations; Date of Enactment and Adoption", and "Remarks of the Attorney General", because there is a general statement of these for the entries under Subsection I A.]