

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 261, 268, and 271

[FRL-3973-8]

RIN 2050-AD20

Land Disposal Restrictions for Electric Arc Furnace Dust (K061)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is today finalizing treatment standards under the land disposal restrictions (LDR) program for a subcategory of the hazardous waste K061 (electric arc furnace dust) treatability group, namely nonwastewaters that contain equal to or greater than 15% total zinc (i.e., high zinc subcategory), determined at the point of initial generation. These treatment standards are based on the performance of high temperature metals recovery (HTMR) processes; specifically, the standards are based on analysis of slags from these processes. The Agency is also finalizing a generic exclusion from the derived-from rule for HTMR nonwastewater slag residues generated from processing K061, provided that these slag residues meet designated concentration levels, are disposed of in subtitle D units, and exhibit no characteristics of hazardous waste. Furthermore, today's rule finalizes a conditional exclusion from classification as a solid waste for K061 HTMR splash condenser dross residue.

EFFECTIVE DATE: This final rule is effective on August 8, 1991.

ADDRESSES: The official record for this rulemaking is identified as docket F-91-K61P-FFFF, and is located in the EPA RCRA Docket, room 2427, 401 M Street SW., Washington, DC 20460. The docket is open from 9 a.m. to 4 p.m., Monday through Friday, except on federal holidays. An appointment must be made to examine the docket by calling (202) 475-9327. Up to 100 pages of a regulatory document may be copied at no cost; beyond 100 pages the cost is 15 cents per page.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Hotline at (800) 424-9346 (toll free), (703) 920-9810 locally. For information on the final rule, contact the Waste Treatment Branch, Office of Solid Waste (OS-322W), U.S. Environmental Protection Agency, 401 M Street SW., Washington, DC 20460, (703) 308-8434. For information on the BDAT treatment standard, contact Laura Lopez, Office of Solid Waste (OS-322W), U.S. Environmental Protection Agency, 401 M Street SW., Washington DC 20460, (703) 308-8457. For information on the generic exclusion, contact Bob Kayser, 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. <<<<

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. In § 261.3 paragraph (c)(2)(ii)(C) is added to read as follows:

§ 261.3 Definition of hazardous waste.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(C) Nonwastewater residues, such as slag, resulting from high temperature metals recovery (HTMR) processing of K061 waste, in units identified as rotary kilns, flame reactors, electric furnaces, plasma arc furnaces, slag reactors, rotary hearth furnace/electric furnace combinations or industrial furnaces (as defined in 40 CFR 260.10 (6), (7), and (12)), that are disposed in subtitle D units, provided that these residues meet the generic exclusion levels identified below for all constituents, and exhibit no characteristics of hazardous waste. Testing requirements must be incorporated in a facility's waste analysis plan or a generator's self-implementing waste analysis plan; at a minimum, composite samples of residues must be collected and analyzed quarterly and/or when the process or operation generating the waste changes. The generic exclusion levels are:

Constituent	Maximum for any single composite sample (mg/l)
Antimony	0.063
Arsenic	0.055
Barium	6.3
Beryllium	0.0063
Cadmium	0.032
Chromium (total)	0.33
Lead	0.095
Mercury	0.009
Nickel	0.63
Selenium	0.16
Silver	0.30
Thallium	0.013
Vanadium	1.26

For each shipment of K061 HTMR residues sent to a subtitle D unit that meets the generic exclusion levels for all constituents, and does not exhibit any characteristic, a notification and certification must be sent to the appropriate EPA Regional Administrator (or delegated representative) or State authorized to implement part 268 requirements. The notification must include the following information: (1) The name and address of the Subtitle D unit receiving the waste shipment; (2) the EPA hazardous waste number and treatability group at the initial point of generation; (3) the treatment standards applicable to the waste at the initial point of generation. The certification must be signed by an authorized representative and must state as follows: "I certify under penalty of law that the generic exclusion levels for all constituents have been met without impermissible dilution and that no characteristic of hazardous waste is exhibited. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment."

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In § 261.4 paragraph (a)(11) is added to read as follows:

§ 261.4 Exclusions.

(a) * * * *

(11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

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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. In § 268.41, Table CCWE is amended by revising the entry for K061 (High Zinc Subcategory-greater than or equal to 15% Total Zinc-Effective until August 7th 1991) and by revising paragraph (b) to read as follows:

§ 268.41 Treatment standards expressed as concentrations in waste extract.

(a)* * *

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Table CCWE-Constituent Concentrations in Waste Extract

Nonwastewaters					Wastewaters			
Waste code	Commercial chemical name	See also	Regulated hazardous constituent		Concentration (mg/L)	Notes	Concentration (mg/L)	Notes
K061, High Zinc, Subcategory.	Electric Arc Furnace Dust.	Table CCW in 268.43.	Antimony.	NA			2.1	
			Arsenic.	NA			0.055	
			Barium.	NA			7.6	
			Beryllium.	NA			0.014	
			Cadmium.	NA			0.19	
			Chromium (Total).	NA			0.33	
			Lead.	NA			0.37	
			Mercury.	NA			0.009	
			Nickel.	NA			5	
			Selenium.	NA			0.16	
			Silver.	NA			0.3	
			Thallium.	NA			0.078	
			Vanadium.	NA			Reserved	
			Zinc.	NA			5.3	

(b) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern, except that mixtures of high and low zinc nonwastewater K061 are subject to the treatment standard for high zinc K061.

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§ 268.42 [Amended]

3.-4. In § 268.42, Table 2 is amended by removing the entry for K061.

PART 271-REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

1. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), and 6926.

Subpart A-Requirements for Final Authorization

2. Section 271.1(j) is amended by adding the following entry to Table 1 in chronological order by date of promulgation in the Federal Register, and by adding the date of publication and the Federal Register page numbers to the following entry in Table 2:

§ 271.1 Purpose and scope.

* * * * *

(j)* * *

Table 1.-Regulations Implementing the Hazardous and Solid Waste Amendments of 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
* * * * *			
August 19, 1991.	Land disposal restrictions & generic exclusion for K061 nonwastewaters & conditional exclusion for K061 HTMR splash condenser dross residue.	[Insert Federal Register page numbers].	August 8, 1991.
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Table 2.-Self Implementing Provisions of the Hazardous and Solid Waste Amendments of 1984

Effective date	Self-implementing provision	RCRA citation	Federal Register reference
* August 8, 1991.	* Prohibition on land disposal of K061 high zinc nonwastewaters.	* 3004(g)(6)(A).	* August 19, 1991. 56 FR [Federal Register page numbers].
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