# ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 148, 266, 268 and 271

[EPA #530-2-95-002, 6 FRL 5160-7]

### RIN 2050-AD38

## Land Disposal Restrictions—Phase III: Decharacterized Wastewaters, Carbamate and Organobromine Wastes, and Spent Potliners

**AGENCY:** Environmental Protection Agency (EPA).

# ACTION: Proposed rule.

SUMMARY: Today, the Agency is proposing treatment standards for certain hazardous wastes—namely, wastes from the production of carbamate pesticides, organobromine flame-retardants, and aluminum—under its Land Disposal Restrictions (LDR) program. The purpose of the LDR program, authorized by the Resource Conservation and Recovery Act (RCRA), is to minimize short and long-term threats to human health and the environment from exposure to hazardous chemical constituents. The treatment standards for these wastes will minimize threats from exposure to hazardous constituents which may potentially leach from landfills to groundwater.

The Agency is also proposing to revise the treatment standards for other wastes which are hazardous because they display the characteristic of ignitability, corrosivity, reactivity, or toxicity. These wastes, known as "characteristic" hazardous wastes, are sometimes treated in lagoons which are regulated under the Clean Water Act, and sometimes injected into deepwells which are regulated under the Safe Drinking Water Act. Currently, these wastes are no longer regulated under RCRA once the characteristic property is removed. Today's revised treatment standards require treatment, not only to remove the characteristic, but also to treat any underlying hazardous constituents which may be present in the wastes, even though they are not what causes the characteristic property (i.e., a corrosive waste could have underlying hazardous constituents that, although not corrosive, are nevertheless toxic to human health). Therefore, these revised treatment standards will minimize threats from exposure to hazardous constituents which may potentially migrate from these lagoons or wells.

Finally, EPA is proposing today to forbid the use of hazardous wastes to fill in holes in the ground. EPA proposes

that this practice is illegal disposal of hazardous wastes. EPA is also proposing to add to the regulations an existing policy which states that hazardous wastes which are predominantly metal should not be burned. DATES: Comments on this proposed rule must be submitted by May 1, 1995. ADDRESSES: The public must send an original and two copies (and a voluntary copy on computer diskette) of their comments to: RCRA Information Center (5305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Place the docket number F-95-PH3P-FFFFF on your comments. The official record for the proposed rulemaking is located in the EPA RCRA Docket, U.S. Environmental Protection Agency, Room 2616, 401 M Street, SW., Washington, DC 20460. 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 (202) 260-9327. The public may copy a maximum of 100 pages from any regulatory document at no cost. Additional copies cost \$0.15 per page. The mailing address is EPA RCRA Docket (5305), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. For additional information on submitting computer diskettes please see the heading ''Paperless Office Effort" in the SUPPLEMENTARY **INFORMATION** section of this document. FOR FURTHER INFORMATION CONTACT: For general information on the LDR program, contact the RCRA Hotline at 800-424-9346 (toll-free) or 703-412-9810 locally. For information on today's proposed rule, contact Peggy Vyas in the Office of Solid Waste, phone 703-308-8594. For specific information on the treatment standards for carbamates and/ or organobromine wastes, contact Shaun McGarvey at 703-308-8603; for specific information on the treatment standards for K088 wastes, contact Mary Cunningham at 703-308-8453; for specific information on the Universal Treatment Standards, contact Lisa Jones at 703-308-8451. For information on the capacity analyses, contact Les Otte at 703-308-8440. For information on the regulatory impact analyses, contact Linda Martin at 202-260-2791.

### SUPPLEMENTARY INFORMATION:

#### **Paperless Office Effort**

EPA is asking prospective commenters to voluntarily submit one additional copy of their comments on labeled personal computer diskettes in ASCII (TEXT) format or a word processing format that can be converted

to ASCII (TEXT). It is essential to specify on the disk label the word processing software and version/edition as well as the commenter's name. This will allow EPA to convert the comments into one of the word processing formats utilized by the Agency. Please use mailing envelopes designed to physically protect the submitted diskettes. EPA emphasizes that submission of comments on diskettes is not mandatory, nor will it result in any advantage or disadvantage to any commenter. Rather, EPA is experimenting with this procedure as an attempt to expedite our internal review and response to comments. This expedited procedure is in conjunction with the Agency "Paperless Office Effort" campaign. For further information on the submission of diskettes, contact the Waste Treatment Branch at 703-308-8434.

### **Glossary of Acronyms**

- BAT—Best Available Technology BDAT—Best Demonstrated Available Technology BIFs—Boilers and Industrial Furnaces CAA—Clean Air Act CWA—Clean Water Act EP—Extraction Procedure HON—Hazardous Organic NESHAPs HSWA—Hazardous and Solid Waste Amendments HWIR—Hazardous Waste Identification
- Rule
- ICR—Ignitable, Corrosive, and Reactive wastes, or, Information Collection Request (in section XI.D.)
- ICRT—Ignitable, Corrosive, Reactive, and TC Wastes
- LDR—Land Disposal Restrictions
- NESHAPs—National Emission Standards for Hazardous Air Pollutants
- NPDES—National Pollutant Discharge Elimination System
- POTW—Publically-Owned Treatment Works
- PSES—Pretreatment Standards for Existing Sources
- PSNS—Pretreatment Standards for New Sources
- RCRA—Resource Conservation and Recovery Act
- RIA—Regulatory Impact Analysis
- SDWA—Safe Drinking Water Act
- TC—Toxicity Characteristic TCLP—Toxicity Characteristic Leaching
- Procedure
- TRI—Toxic Release Inventory
- UIC—Underground Injection Control
- UTS—Universal Treatment Standards

# Outline

- I. Background
  - A. Summary of the Statutory Requirements of the 1984 Hazardous and Solid Waste