determination. The Agency recognizes that there may be differences between detection limits prior to and after treatment. Detection levels may be lowered for these wastes after treatment due to the "cleaner" matrix. This data has been placed in the docket for today's proposed rule.

B. Organobromines

K140—Waste solids and filter cartridges from the production of 2,4,6-tribromophenol. U408—2,4,6-Tribromophenol

For further information on waste characterization data, data gathering efforts, and applicable technologies, see the Best Demonstrated Available Technology (BDAT) Background Document for Newly Listed or Identified Wastes from the Production of Carbamates and Organobromines.

1. Proposed Treatment Standards for Organobromine Wastes

EPA proposed to add 2,4,6-Tribromophenol to Appendix VIII of Part 261 on May 11, 1994, and is today proposing to add this constituent to the list of UTS in 40 CFR 268.48. The decision to add 2,4,6-tribromophenol to appendix VIII was based on the determination that the toxicities of this chemical and its chlorinated analogue, 2,4,6-Trichlorophenol, are essentially the same, due to the Quantitative Structure Activity Relationship (QSAR) between these two compounds.

Since treatment data is not currently available on 2,4,6-tribromophenol, the Agency is proposing to set the UTS for 2,4,6-tribromophenol based on data transferred from the treatment of 2,4,6trichlorophenol. The structures of 2,4,6tribromophenol and 2,4,6trichlorophenol are sufficiently similar to be considered halogenated congeners of phenol. Both halogenated phenols contain three symmetrically placed bromine or chlorine substituents which are difficult to remove by chemical substitution. The chemical behavior and mechanisms of action for 2,4,6tribromophenol is expected to be similar to its chlorinated analogue, 2,4,6trichlorophenol. Thus, the Agency is proposing UTS standards of 7.4 mg/kg for nonwastewaters and 0.035 mg/l for wastewaters for 2,4,6-tribromophenol.

The Agency is soliciting comment regarding the achievability of this standard by demonstrated available technologies and regarding the analytical detection limit of 2,4,6-tribromophenol in treatment residual matrices. The Agency is also soliciting any available data on the concentrations 2,4,6-tribromophenol in treatment residuals from the recovery or destruction of wastes containing 2,4,6-

tribromophenol. The analytical method for 2,4,6-Tribromophenol is SW846 method 8270 (GC/MS for semivolatiles, capillary column).

2. Applicable Technology

The lone facility which produces 2,4,6-tribromophenol wastes uses a Bromine Recovery Unit (BRU) to recover bromine values from organic liquid and vapor waste streams. In this unit, the organics are burned and the combustion products are removed by a wet scrubber. The BRU is a halogen acid furnace which meets the regulatory definition of industrial furnace in 40 CFR 260.10. The combustion of hazardous waste in industrial furnaces is regulated under 40 CFR part 266, subpart H, which regulates air emissions from these units and requires monitoring and analyses. The facility which produces 2,4,6tribromophenol burns listed spent solvents and still bottoms in this BRU; therefore, it is already subject to the performance standards of part 266, subpart H. Treatment of 2,4,6tribromophenol wastes in the BRU should be effective in destroying the phenolic component of 2,4,6tribromophenol and providing for recovery of bromine. Based on available information, EPA proposes that treatment by BRU is BDAT for 2,4,6tribromophenol wastes. EPA solicits comment on this assertion and on the potential applicability of other technologies which destroy 2,4,6tribromophenol and provide recovery of

C. Aluminum Potliners (K088)

K088—Spent potliners from primary aluminum reduction.

For background information on waste characterization, see the Best Demonstrated Available Technology Background Document (BDAT) for Newly Listed or Identified Wastes for K088, Spent Aluminum Potliners.

1. Possible Determination of Inherently Waste-Like

Certain current and potential K088 management methods have features of both recycling and conventional treatment. For example, there are a number of management methods involving some type of combustion process that produce a treatment residue from which resources may be recovered and reused. These management methods either destroy or drive off cyanides and toxic organics. Nevertheless, the technologies may useful alternative management methods for K088 if valuable resources are recovered. The Agency has a long-standing preference for recovery over simple treatment. This

position is based on the preference in RCRA for environmentally protective recovery versus waste treatment. Any consideration of relative safety must include not just the recovery step, but transport and storage preceding recovery, and proper management of all residues from recovery. RCRA section 1003(a)(6) as well as S. Rep. No. 284, 98th Cong. 2d sess. at 17.

EPA is considering how best to balance the potential promise of spent potliner recovery technologies with their similarities to conventional treatment technologies, especially with respect to the fate of (and risks generated by) hazardous constituents present in the waste. The Agency would prefer to provide consistent regulatory requirements for these recovery as well as for conventional treatment technologies in order to ensure both safe recovery and treatment. However, the existing regulatory framework may make it difficult to achieve this objective. For example, many of these recovery technologies already could be subject to the existing regulations for industrial furnaces burning hazardous waste (the so-called BIF rules). 10 See 56 FR at 7142 (Feb. 21, 1991); 50 FR at 49171-174 (Nov. 29, 1985).

For K088 recovery technologies subject to BIF regulations, only those facilities in existence on the effective date of the BIF rules (August 21, 1991) could operate without first obtaining a permit. This could create a significant barrier to commercial operation of the technology in the near term. If, however, these units operate in a manner that does not subject them to the BIF regulations, then it is possible that they could operate with little or no oversight under RCRA.

The regulatory classification of residues as hazardous or nonhazardous wastes is another area where there would be dissimilar requirements under current rules. For example, one company has obtained from EPA a delisting determination that residues from their conventional treatment process are at levels low enough to no longer be classified as listed hazardous wastes. Other companies have not obtained such determinations, even though they potentially could treat spent potliners to delisting levels. As a result, these companies face the cost

¹⁰ Because the Agency is not fully aware of all of the details of some of the projected potliner treatment/recovery technologies, we cannot state at this time whether the technologies will meet the regulatory definition of an industrial furnace. It should be noted that processes recovering both energy and material values from a waste are subject to BIF rules, and energy recovery in an industrial furnace need not involve any export of energy).