

§§ 260.20 and 260.22 provide a delisting petition procedure, allowing facilities to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. Based on waste specific information provided by the petitioner, EPA determines whether certain solid wastes generated by the facility can be excluded from the requirements of hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA).

Envirite's treatment residues, provided all the conditions of exclusion are met, are no longer subject to hazardous waste regulations. Envirite's exclusions for wastes from non-specific sources (i.e., EPA Hazardous Waste Numbers: F006–F009, F011, F012, F019) and specific sources (i.e., EPA Hazardous Waste Numbers: K002–K008, K062) are listed in Table 1 and Table 2 of Part 261, Appendix IX, respectively.

On May 31, 1990, Envirite's Thomaston, CT facility ceased to generate the excluded wastes. Thereafter, EPA published a Federal

Therefore, this notice is correcting Part 261, Appendix IX, Table 1 by re-adding the final conditional exclusion granted to Envirote Corporation (Envirote) on November 14, 1986, and also deleting the words “Thomaston, Connecticut” from the second column of the Envirote’s entries in Table 1 and Table 2 of Part 261, Appendix IX.

This notice is correcting the errors made to Appendix IX of Part 261. The Hazardous and Solid Waste Amendments of 1984 amended section 3010 of RCRA to allow rules to become effective in less than six-months when the regulated community does not need the six-month period to come into compliance. As described above, the affected facility has ceased generation of the delisted waste, and changes in the status of Enviroire's exclusion are effective February 8, 1994 (see 59 *FR*

List of Subjects in 40 CFR Part 261

Authority: Sec. 3001(f) RCRA, 42 U.S.C. § 6921(f).

Dated: September 25, 1995.

Elizabeth A. Cotsworth,

Acting Director, Office of Solid Waste.

For the reasons set out in the preamble, 40 CFR part 261 is corrected as follows:

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. Table 1 in Appendix IX of Part 261 is amended by adding an entry for the Envirote Corporation in alphabetical order to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* Envirite Corporation	* Canton, Ohio; Harvey, Illinois; York, Pennsylvania.	* Dewatered wastewater sludges (EPA Hazardous Waste No. F006) generated from electroplating operations; spent cyanide plating solutions (EPA Hazardous Waste No. F007) generated from electroplating operations; plating bath residues from the bottom of plating baths (EPA Hazardous Waste No. F008) generated from electroplating operations where cyanides are used in the process; spent stripping and cleaning bath solutions (EPA Hazardous Waste No. F009) generated from electroplating operations where cyanides are used in the process; spent cyanide solutions from salt bath pot cleaning (EPA Hazardous Waste No. F011) generated from metal heat treating operations; quenching wastewater treatment sludges (EPA Hazardous Waste No. F012) generated from metal heat treating where cyanides are used in the process; wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after November 14, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned waste. This testing program must meet the following conditions for the exclusion to be valid: (1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm; the waste must be retreated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270.