add six wastes generated during the production of carbamate chemicals. In addition, under the authority of section 3001 of RCRA, EPA maintains at 40 CFR 261.33 a list of commercial chemical products or manufacturing chemical intermediates that are hazardous wastes if they are discarded or intended to be discarded. In this action, the Agency is amending 40 CFR 261.33 to add 58 specific materials to this list.

All hazardous wastes listed under RCRA and codified in 40 CFR §§ 261.31 through 261.33, as well as any solid waste that exhibits one or more of the characteristics of a RCRA hazardous waste (as defined in 40 CFR Sections 261.21 through 261.24), are also hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. See CERCLA Section 101(14)(C). CERCLA hazardous substances are listed in Table 302.4 at 40 CFR 302.4 along with their reportable quantities (RQs). Accordingly, the Agency is adding the newly identified wastes in its action as CERCLA hazardous substances in Table 302.4 of 40 CFR 302.4. EPA is not taking action at this time to adjust the onepound statutory RQs for these substances.

III. Summary of Proposal

A. Proposed New Hazardous Wastes

In the March 1, 1994 proposed rule (59 FR 9808) the Agency proposed to list as hazardous six wastes generated during the production of carbamates:

- K156—Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oximes.
- K157—Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes.
- K158—Bag house dust, and filter/ separation solids from the production of carbamates and carbamoyl oximes.
- K159—Organics from the treatment of thiocarbamate wastes.
- K160—Solids (including filter wastes, separation solids, and spent catalysts) from the production of thiocarbamates and solids from the treatment of thiocarbamate wastes.
- K161—Purification solids (including filtration, evaporation, and centrifugation solids), bag house dust, and floor sweepings from the production of dithiocarbamate acids and their salts. (This listing does not include K125 or K126.)

The Agency proposed adding K156, K157, K158, K159, K160, and K161 to 40 CFR 261.32 because the wastes satisfy the criteria in 40 CFR 261.11(a)(1–3) for listing hazardous wastes.

The Agency also proposed to add 70 substances and 4 generic classes of chemicals to 40 CFR 261.33. EPA maintains at 40 CFR 261.33 a list of discarded commercial chemical products, off specification species, container residues, and spill residues thereof, which are regulated as hazardous wastes. The Agency proposed to list 22 of the 70 substances as acutely hazardous under 40 CFR 261.33(e), because toxicological studies have found the substances to be fatal to humans in low doses or in the absence of data on human toxicity, it has been shown in animal studies to have an oral (rat) LD50 of less than 50 milligrams per kilogram, a dermal (rabbit) LD50 of less than 200 milligrams per kilogram, an inhalation (rat) LC50 of less than 2 mg/ L, or is otherwise capable of causing or significantly contributing to serious illness (see 40 CFR 261.11(a)(2)). The remaining 48 substances and 4 generic classes of carbamate chemicals (i.e., carbamates, carbamoyl oximes, thiocarbamates, and dithiocarbamates) were proposed to be listed under 40 CFR 261.33(f) as toxic hazardous wastes pursuant to 40 CFR 261.11(a)(3). These substances were listed in Tables 5 and 6 of the proposed rule (59 FR 9812).

B. Determinations Not To List Certain Carbamate Wastes as Hazardous Waste

As a result of the Agency's studies, a number of generic groups of wastes produced from the manufacture of carbamates, carbamoyl oximes, thiocarbamates, and dithiocarbamates were not found by the Agency to require additional regulation as a listed hazardous waste under RCRA. The Agency proposed to not list as hazardous the following categories of wastes:

- Spent carbon and waste water treatment sludges from the production of carbamates and carbamoyl oximes
- Wastewaters from the production of thiocarbamates and treatment of wastes from thiocarbamate production
- Process Wastewater (including supernates, filtrates, and washwaters) from the production of dithiocarbamates
- Reactor vent scrubber water from the production of dithiocarbamates
- Organic wastes (including spent solvents, solvent rinses, process decantates, and still bottoms) from the production of dithiocarbamates)

C. Exemptions

For wastewaters from the production of carbamate and carbamoyl oxime chemicals (Hazardous waste code K157), the Agency proposed to exempt from the definition of hazardous waste those wastewaters that do not exceed a total concentration of 5 parts per million by weight (ppmwt) of formaldehyde, methyl chloride, methylene chloride, and triethylamine. Under § 261.3(a)(2)(iv), the new exemptions to the definition of hazardous wastes, the exemption was proposed to read as follows:

§ 261.3(a)(2)(iv) * * *; or

(F) One or more of the following wastes listed in § 261.32—wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157)—Provided, that the maximum weekly usage of formaldehyde, methyl chloride, methylene chloride, and triethylamine (including all amounts that can not be demonstrated to be reacted in the process or is recovered, i.e., what is discharged or volatilized) divided by the average weekly flow of process wastewater prior to any dilutions into the headworks of the facility's wastewater treatment system does not exceed a total of 5 parts per million by weight.

The Agency also proposed to specifically exempt biological treatment sludges from the treatment of wastewaters from the production of carbamates and carbamoyl oximes from the definition of hazardous waste. Under § 263.3(c)(2)(ii), a new exemption to the definition of hazardous wastes is created for sludges from the biological treatment of these wastewaters. This new exemption was proposed to read as follows:

§ 261.3(c)(2)(ii) * * *

(D) Biological treatment sludge from the treatment of one of the following wastes listed in § 261.32—wastewaters from the production of carbamates and carbamoyl oximes (EPA Hazardous Waste No. K157).

IV. Changes to the Proposed Rule

A. Exemptions

The Agency is finalizing a regulatory strategy which allows for a concentration-based exemption from the K156 and K157 listings. In the March 1, 1994 proposed rule, a concentrationbased exemption was specifically proposed only for K157. Using models to calculate the atmospheric concentrations of chemicals of concern resulting from the management of K157 and wastewaters derived from K156, the Agency found that for these wastewaters a total concentration of 5 parts per million by weight (ppmwt) would be protective for wastewaters containing formaldehyde, methyl chloride,