

TABLE 1.—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	Federal Register reference	Effective date
April 8, 1996	Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Aluminum Potliners in § 268.39..	61 FR [Insert page numbers].	July 8, 1996.
*	*	*	*
*	*	*	*
*	*	*	*

TABLE 2.—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Effective date	Self-implementing provision	RCRA citation	Federal Register reference
July 8, 1996	Prohibition on land disposal of carbamate wastes..	3004(m).	April 8, 1996, 61 FR [Insert page numbers].
October 8, 1996	Prohibition on land disposal of K088 wastes. .	3004(m).	April 8, 1998, 61 FR [Insert page numbers].
April 8, 1996		3004(m)	April 8, 1996, 61 FR [Insert page numbers].
*	*	*	*
*	*	*	*
*	*	*	*

PART 403—GENERAL PRETREATMENT REGULATIONS FOR EXISTING AND NEW SOURCES OF POLLUTION

23. The authority citation for part 403 continues to read as follows:

Authority: Sec. 54(c)(2) of the Clean Water Act of 1977, (Pub. L. 95–217) sections 204(b)(1)(C), 208(b)(2)(C)(iii), 301(b)(1)(A)(ii), 301(b)(2)(A)(ii), 301(b)(2)(C), 301(h)(5), 301(i)(2), 304(e), 304(g), 307, 308, 309, 402(b), 405 and 501(a) of the Federal Water Pollution Control Act (Pub. L. 92–500) as amended by the Clean Water Act of 1977 and the Water Quality Act of 1987 (Pub. L. 100–4).

24. In § 403.5, paragraphs (c) heading, (c)(1) and (d) are revised to read as follows:

§ 403.5 National pretreatment standards: Prohibited discharges.

* * * * *

(c) *Development of specific limits by POTW.* (1) Each POTW developing a POTW Pretreatment Program pursuant to § 403.8 shall develop and enforce specific limits to implement the prohibitions listed in paragraphs (a)(1) and (b) of this section. Each POTW with an approved pretreatment program shall continue to develop these limits as necessary and effectively enforce such limits. In addition, the POTW may establish such limits as necessary to address the land disposal restrictions at 40 CFR 268.40.

* * * * *

(d) *Local limits.* Where specific prohibitions or limits on pollutants or pollutant parameters are developed by a POTW in accordance with paragraph (c) of this section, including those standards established to address land disposal restrictions at 40 CFR 268.40, such limits shall be deemed Pretreatment Standards for the purposes of section 307(d) of the Act.

* * * * *

[FR Doc. 96–7597 Filed 4–5–96; 8:45 am]

BILLING CODE 6560–50–P

40 CFR Parts 148, 268 and 403

[EPA # 530–Z–96–002; FRL–5452–7]

RIN 2050–AD38

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Partial withdrawal and amendment of final rule.

SUMMARY: Elsewhere in this Federal Register, EPA is promulgating a final rule which, among other things, revises treatment standards for hazardous wastewaters that exhibit the characteristic of ignitability, corrosivity, reactivity, or toxicity. The revised treatment standards were promulgated to implement the mandate of the

opinion of the Circuit Court of Appeals for the District of Columbia Circuit in *Chemical Waste Management (CWM) v. EPA*, 976 F. 2d 2 (D.C. Cir. 1992) cert. denied 507 U.S. 1057 (1993). On March 26, 1996, President Clinton signed into law the Land Disposal Program Flexibility Act of 1996 which, among other things, provides that the wastes in question are no longer prohibited from land disposal so long as they are not hazardous wastes at the point they are land disposed. By operation of the statute, this provision is made effective immediately and therefore essentially overrules this portion of the CWM opinion. EPA accordingly is incorporating the statutory provision into the regulations by amending and/or withdrawing the portions of the regulations that are superseded by the new legislation. The amendment/withdrawal of these standards does not affect any other part of the final rule; and the effective dates of the other actions in the final rule likewise will not change. Furthermore, EPA is amending parts of the LDR Phase II final rule, published on September 19, 1994 (59 FR 47982) which are also overruled by the legislation.

EFFECTIVE DATE: April 5, 1996.

FOR FURTHER INFORMATION CONTACT: For general information contact the RCRA Hotline at 800–424–9346 (toll-free) or 703–412–9810 locally. For specific information on the LDR Phase III rule

and this document, contact Peggy Vyas in the Office of Solid Waste, phone 703-308-8594.

SUPPLEMENTARY INFORMATION:

I. Today's Action

Elsewhere in this Federal Register, a final rule is published which revises treatment standards for decharacterized wastewaters that are managed in surface impoundments regulated under the Clean Water Act (CWA) or in CWA-equivalent systems, and in Class I nonhazardous waste injection wells regulated under the Safe Drinking Water Act (SDWA). Among other actions, the final rule would have (1) revised 40 CFR 148.1(b) and (d), 148.3, 148.4, 148.20(a), 268.3, 268.40(e), 268.44(a), and 403.5(d); and (2) amended 268.1(e), 268.9(d), and 403.5(c); as well as (3) added 148.18, 268.2 (k) and (l), 268.9 (e), (f), and (g), and 268.39. EPA also promulgated certain regulations as part of the LDR Phase II rule prohibiting injection of certain decharacterized wastes (see 40 CFR 148.17(c) and 268.1(c)(3) at 59 FR 48041 and 48043 (September 19, 1994)).

EPA promulgated these provisions to implement the holding and reasoning of the D.C. Circuit's opinion in *CWM v. EPA*, 976 F.2d 2 (D.C. Cir. 1992), cert. denied 507 U.S. 1057 (1993). EPA interpreted this opinion to require hazardous constituents in characteristic wastes to be treated so that the constituents were removed, destroyed or immobilized before the wastes were permanently land disposed, in order to minimize threats posed by land disposal of the wastes. This requirement extended to wastewaters managed in the types of centralized wastewater management systems mentioned above. In doing so, EPA noted in the LDR Phase III final rule, published elsewhere in this Federal Register, that it would not have set treatment standards for hazardous constituents in these characteristic wastewaters at this time but for the court's opinion, and noted the pendency of legislation which could overrule the court's opinion and so require amendments to the final rule.

Congress has now passed that legislation, the Land Disposal Program Flexibility Act of 1996, and President Clinton signed it into law on March 26, 1996 (Public Law 104-119, 100 Stat. 830). A main purpose of the legislation is to put back in place the approach for centrally-managed, decharacterized wastewater which EPA adopted in the LDR "Third Third" rule promulgated on June 1, 1990 (55 FR 22520). The new legislation states, in essence, that hazardous wastes which are hazardous only because they are identified as

exhibiting a characteristic are not prohibited from land disposal if they are managed in either a treatment system whose ultimate discharge is regulated under the CWA (including both direct and indirect dischargers), a CWA-equivalent treatment system, or a Class I nonhazardous injection well regulated under the SDWA, provided that the wastes no longer are hazardous (i.e. no longer exhibit a characteristic) at the point land disposal occurs (RCRA § 3004(g) (7) and (8)). The characteristic can be removed by any means, including dilution or other deactivation through aggregation of different wastestreams preceding land disposal (see H. Rep. No. 454, 104th Cong. 2d Sess. at 9). For wastes managed in CWA or CWA-equivalent systems, there is a further caveat that characteristic wastes for which EPA has promulgated a method of treatment as the treatment standard (for example, high TOC ignitable wastes for which the treatment standard is recovery of organics (RORGs) or combustion (CMBST)) remain prohibited unless treated pursuant to that method (RCRA § 3004(g)(7)). Reactive cyanide wastes (i.e. wastes that may release toxic emissions when exposed to pH conditions between 2 and 12 as defined in 40 CFR 261.23(a)(5)) likewise remain prohibited from disposal units in CWA and CWA-equivalent treatment systems unless first treated to satisfy the treatment standard (*id.*).

The purpose of this notice is to withdraw the portions of the existing rules which are inconsistent with the new statute and therefore no longer in effect, or, in a few limited instances, to amend language which cannot be feasibly withdrawn. Thus, treatment standards for wastes identified as exhibiting a characteristic and managed in centralized wastewater management systems identified above will require only that the wastes be deactivated (i.e. rendered non-hazardous) before they are land disposed. The exception will continue to be for wastes for which the treatment standard is a method of treatment—namely high TOC ignitables—and for reactive cyanide wastes, which must be treated to satisfy the existing treatment standard before land disposal in a surface impoundment at CWA and CWA-equivalent treatment systems.

This action puts back in place the rules which existed before EPA promulgated the LDR Phase III provisions. Thus, for example, withdrawing the version of 148.1(d) promulgated in the LDR Phase III rule has the effect of restoring the previous version of that provision. EPA believes

that withdrawing the portions of the rules that have been superseded is the quickest and simplest way of amending the rules that conform to the new legislation. Certain portions of the LDR Phase III rule have to be amended (namely §§ 268.3, 268.39 and 268.40) because withdrawing them would undo other revisions which are not affected by the legislation.¹

EPA realizes that there may be certain questions relating to other provisions of the rules which may benefit from clarifying revisions in light of the statutory amendment. (Communications from various affected parties suggesting such changes are part of the record for this notice.) EPA is limiting this notice to changes that have to be made to eliminate superceded regulatory provisions. EPA intends to pursue the possibility of whether clarifying amendments are needed in other proceedings.

EPA does wish, however, that to clarify that as a result of withdrawing these provisions, generators with decharacterized wastewaters that are being managed in CWA or CWA-equivalent systems or injected into Class I nonhazardous injection wells do not have to identify underlying hazardous constituents. EPA also wishes to make clear to States that withdrawing these provisions removes the obligation for States to adopt them as part of an authorized program.

II. Interpretive Issues

A. Definition of CWA-Equivalent Treatment

The legislation does not define what a CWA-equivalent treatment system is, leaving the issue to the Administrator (RCRA § 3004(g)(7)(A)). EPA's existing rules at 40 CFR 268.38(a) provide a definition: "CWA equivalent treatment means biological treatment for organics, alkaline chlorination or ferrous sulfate precipitation for cyanide, precipitation/sedimentation for metals, reduction of hexavalent chromium, or other treatment technology that can be demonstrated to perform equally or better than these technologies." EPA intends to use this definition in implementing the new statute.

B. Wastes Listed Because They Exhibit a Characteristic

A number of wastes, such as F003 ignitable solvents, are listed as hazardous solely because they exhibit a characteristic of hazardous waste. The legislation does not by its terms apply

¹ In addition, EPA is withdrawing § 148.18(d) because this prohibition already exists in § 148.16 (c) and (f).

to such wastes (it applies only to wastes that are identified by characteristic, and so does not apply to listed wastes). EPA's current rules addressing the status of this type of waste under the LDR program are tangled. The Agency initially found that the dilution prohibition should apply to such wastes. See 56 FR 3864 and 3871 (Jan. 31, 1991). However, in a later notice, EPA amended the rules so that wastewaters that are listed solely because they exhibit a characteristic would not be subject to the dilution prohibition. 57 FR 37194 and 37263 (August 18, 1992). EPA did so to be consistent with the Third Third rule's approach to characteristic wastewaters. *Id.* at 37210–37211. This action occurred before the D.C. Circuit issued its decision remanding portions of the Third Third rule dealing with wastewaters. The Agency never corrected the regulation (found at 40 CFR 261.3(a)(2)(iii)) to conform to the opinion.

EPA's initial view is that the existing regulatory provision not applying the dilution prohibition to wastewaters listed because they exhibit a characteristic is probably inconsistent with the court's opinion, but that the principles of the new legislation (although not its language) could apply to these wastes. EPA thus has a policy choice as to whether to amend the existing rule. Today's notice is not intended to make policy choices, but rather to withdraw those rules no longer in effect. EPA plans to revisit this issue in a later proceeding. In the interim, the existing rule which provides that the dilution prohibition does not apply to wastewaters listed solely because they exhibit a characteristic remains in effect.

III. Status of Other LDR Treatment Standards

EPA is not withdrawing other treatment standards promulgated in either the LDR Phase III rule or other rules implementing portions of the court's opinion that are unaffected by the new legislation. Consequently, the provisions of the May 24, 1993, Interim Final Rule (58 FR 29860), which applied to disposal not involving the types of centralized wastewater management systems covered by the legislation, remain unaffected. Thus, underlying hazardous constituents in decharacterized wastes that are disposed of in systems other than these centralized wastewater management systems must continue to be treated before land disposal. Similarly, EPA amended the treatment standards for reactive wastes in the LDR Phase III final rule, published elsewhere in this

Federal Register, to require that underlying hazardous constituents be treated when the wastes are land disposed (with an exception for certain types of emergency detonation situations). These requirements are likewise not addressed by the legislation (unless centralized wastewater management of the wastes is involved), and EPA is consequently not withdrawing these treatment standards.

IV. Rationale for Immediate Effective Date

EPA is taking this action without prior notice and opportunity to comment. Because the provisions of the legislation are effective immediately, the legislation overrules the D.C. Circuit's opinion, and thus necessarily overrules the rules implementing those parts of the opinion. Consequently, those rules need to be withdrawn to reflect the new statute. The situation is similar to what the Agency faced in 1985 when it codified portions of the 1984 amendments to RCRA without prior notice and opportunity to comment. 50 FR 28704 (July 15, 1985). The Agency's action was upheld in *United Technologies v. EPA*, 821 F. 2d 714, 720 (D.C. Cir. 1987). See also *Metzenbaum v. Federal Energy Regulatory Commission (FERC)*, 675 F. 2d 1282, 1291 (D.C. Cir. 1982) (funding orders implementing statutory waiver were non-discretionary acts regulated by such waiver and that notice and comment procedures were unnecessary and possibly contrary to public interest "given the expense that would have been involved in the futile gesture"); *Hadson Gas Systems v. FERC*, _____ F. 2d _____ (D.C. Cir. Feb. 9, 1996) (because controlling statute left FERC no authority to retain a regulation, notice and comment is not needed to withdraw it). EPA views today's effort as comparable to that involved in codifying the 1984 amendments since the legislation is focused clearly on one particular set of regulations and requires little interpretation by the Agency, and consequently that the decision to issue an immediately final withdrawal is justified. Consequently, EPA believes that good cause exists to issue this rule in immediately final form.

List of Subjects

40 CFR Part 148

Environmental protection, Administrative practice and procedure, Hazardous waste, Reporting and recordkeeping requirements, Water supply.

40 CFR Part 268

Hazardous waste, Reporting and recordkeeping requirements.

40 CFR Part 403

Reporting and recordkeeping requirements, Waste treatment and disposal, Water pollution controls.

Dated: March 29, 1996.

Carol M. Browner,
Administrator.

For the reasons set forth in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

1. The amendments revising 40 CFR 148.1(b) and (d), 148.3, 148.4, 148.20(a) introductory text, 268.3, 268.40(e), 268.44(a), and 403.5(d); as well as the amendments amending 40 CFR 268.1(e), 268.9(d), and 403.5(c); as well as the amendments adding 40 CFR 148.18, 268.2(k) and (l), 268.9(e), (f), and (g), and 268.39 as published elsewhere in this issue of the Federal Register are withdrawn.

PART 148—HAZARDOUS WASTE INJECTION RESTRICTIONS

2. The authority citation for part 148 continues to read as follows:

Authority: Sec. 3004, Resource Conservation and Recovery Act, 42 U.S.C. 6901 *et seq.*

§ 148.17—[Amended]

3. Section 148.17 is amended by removing and reserving paragraph (c).

4. Section 148.18 is added to subpart B to read as follows:

§ 148.18 Waste specific prohibitions—newly identified wastes.

(a) On July 8, 1996, the wastes specified in 40 CFR 261.32 as EPA Hazardous waste numbers K156–K161, P127, P128, P185, P188–P192, P194, P196–P199, P201–P205, U271, U277–U280, U364–U367, U372, U373, U375–U379, U381–387, U389–U396, U400–U404, U407, and U409–U411 are prohibited from underground injection.

(b) On January 8, 1997, the wastes specified in 40 CFR 261.32 as EPA Hazardous waste number K088 is prohibited from underground injection.

(c) On April 8, 1998, the wastes specified in 40 CFR part 261 as EPA Hazardous waste numbers D018–043, and Mixed TC/Radioactive wastes, are prohibited from underground injection.

PART 268—LAND DISPOSAL RESTRICTIONS

5. The authority citation for part 268 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

Subpart A—General

6. Section 268.1 is amended by removing and reserving paragraph (c)(3).

7. Section 268.3 is revised to read as follows:

§ 268.3 Dilution prohibited as a substitute for treatment.

(a) Except as provided in paragraph (b) of this section, no generator, transporter, handler, or owner or operator of a treatment, storage, or disposal facility shall in any way dilute a restricted waste or the residual from treatment of a restricted waste as a substitute for adequate treatment to achieve compliance with subpart D of this part, to circumvent the effective date of a prohibition in subpart C of this part, to otherwise avoid a prohibition in subpart C of this part, or to circumvent a land disposal prohibition imposed by RCRA section 3004.

(b) Dilution of wastes that are hazardous only because they exhibit a characteristic in a treatment system which treats wastes subsequently discharged to a water of the United States pursuant to a permit issued under section 402 of the Clean Water Act (CWA), or which treats wastes in a CWA-equivalent treatment system, or which treats wastes for the purposes of pretreatment requirements under section 307 of the CWA is not impermissible dilution for purposes of this section unless a method has been specified in § 268.40 as the treatment standard, or unless the waste is a D003 reactive cyanide wastewater or nonwastewater.

(c) Combustion of the hazardous waste codes listed in Appendix XI of this part is prohibited, unless the waste, at the point of generation, or after any bona fide treatment such as cyanide destruction prior to combustion, can be demonstrated to comply with one or more of the following criteria (unless otherwise specifically prohibited from combustion):

(1) The waste contains hazardous organic constituents or cyanide at levels exceeding the constituent-specific treatment standard found in § 268.48;

(2) The waste consists of organic, debris-like materials (e.g., wood, paper, plastic, or cloth) contaminated with an inorganic metal-bearing hazardous waste;

(3) The waste, at point of generation, has reasonable heating value such as greater than or equal to 5000 BTU per pound;

(4) The waste is co-generated with wastes for which combustion is a required method of treatment;

(5) The waste is subject to Federal and/or State requirements necessitating reduction of organics (including biological agents); or

(6) The waste contains greater than 1% Total Organic Carbon (TOC).

8. Section 268.39 is added to read as follows:

§ 268.39 Waste specific prohibitions—spent aluminum potliners; reactive; and carbamate wastes.

(a) On July 8, 1996, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste numbers K156–K161; and in 40 CFR 261.33 as EPA Hazardous Waste numbers P127, P128, P185, P188–P192, P194, P196–P199, P201–P205, U271, U277–U280, U364–U367, U372, U373, U375–U379, U381–U387, U389–U396, U400–U404, U407, and U409–U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

(b) On July 8, 1996, the wastes identified in 40 CFR 261.23 as D003 that are managed in systems other than those whose discharge is regulated under the Clean Water Act (CWA), or that inject in Class I deep wells regulated under the Safe Drinking Water Act (SDWA), or that are zero dischargers that engage in CWA-equivalent treatment before ultimate land disposal, are prohibited from land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices which have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of DEACT before land disposal (see § 268.40)).

(c) On January 8, 1997, the wastes specified in 40 CFR 261.32 as EPA Hazardous Waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

(d) On April 8, 1998, Radioactive wastes mixed with K088, K156–K161, P127, P128, P185, P188–P192, P194, P196–P199, P201–P205, U271, U277–U280, U364–U367, U372, U373, U375–U379, U381–U387, U389–U396, U400–U404, and U407, U409–U411 are also prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

(e) Between July 8, 1996, and April 8, 1998, the wastes included in paragraphs (a), (b), (c), and (d) of this section may be disposed in a landfill or surface impoundment, only if such unit is in

compliance with the requirements specified in § 268.5(h)(2).

(f) The requirements of paragraphs (a), (b), (c), and (d) of this section do not apply if:

(1) The wastes meet the applicable treatment standards specified in Subpart D of this part;

(2) Persons have been granted an exemption from a prohibition pursuant to a petition under § 268.6, with respect to those wastes and units covered by the petition;

(3) The wastes meet the applicable alternate treatment standards established pursuant to a petition granted under § 268.44;

(4) Persons have been granted an extension to the effective date of a prohibition pursuant to § 268.5, with respect to these wastes covered by the extension.

(g) To determine whether a hazardous waste identified in this section exceeds the applicable treatment standards specified in § 268.40, the initial generator must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or the waste, or the generator may use knowledge of the waste. If the waste contains constituents in excess of the applicable Subpart D levels, the waste is prohibited from land disposal, and all requirements of this part 268 are applicable, except as otherwise specified.

9. Section 268.40 is amended by revising paragraph (e) to read as follows:

§ 268.40 Applicability of treatment standards.

* * * * *

(e) For characteristic wastes (D001–D003, and D018–D043) that are subject to treatment standards in the following table “Treatment Standards for Hazardous Wastes,” all underlying hazardous constituents (as defined in § 268.2(i)) must meet Universal Treatment Standards, found in § 268.48, “Table UTS,” prior to land disposal as defined in § 268.2(c).

* * * * *

10. In § 268.40, Table § 268.40, as revised elsewhere in this issue of the Federal Register, is further amended by removing note 8 at the end of the table and by revising the entries for D001, D002, D003 and D018–D043 to read as follows:

* * * * *

TREATMENT STANDARDS FOR HAZARDOUS WASTES

(Note: NA means not applicable.)

Waste code	Waste description and treatment/regulatory subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common name	CAS ² No.	Concentration in mg/l ³ ; or technology code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code
D001 ..	Ignitable Characteristic Wastes, except for the §261.21(a)(1) High TOC Subcategory, that are managed in non-CWA/non-CWA-equivalent/non-Class I SDWA systems.	NA	NA	DEACT and meet § 268.48 standards; or RORGS; or CMBST DEACT	DEACT and meet § 268.48 standards; or RORGS; or CMBST DEACT
	Ignitable Characteristic Wastes, except for the §261.21(a)(1) High TOC Subcategory, that are managed in CWA/CWA-equivalent/Class I SDWA systems.	NA	NA	DEACT	DEACT
	High TOC Ignitable Characteristic Liquids Subcategory based on 40 CFR 261.21(a)(1)—Greater than or equal to 10% total organic carbon. (Note: This subcategory consists of nonwastewaters only).	NA	NA	NA	RORGS; or CMBST
D002 ..	Corrosive Characteristic Wastes that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems.	NA	NA	DEACT and meet § 268.48 standards	DEACT and meet § 268.48 standards
	Corrosive Characteristic Wastes that are managed in CWA, CWA-equivalent, or Class I SDWA systems.	NA	NA	DEACT	DEACT
D003 ..	* * *	*	*	*	*
	Reactive Sulfides Subcategory based on 261.23(a)(5).	NA	NA	DEACT	DEACT
	Unexploded ordnance and other explosive devices which have been the subject of an emergency response.	NA	NA	DEACT	DEACT
	Explosives Subcategory based on 261.23(a)(6), (7), and (8).	NA	NA	DEACT and meet § 268.48 standards	DEACT and meet § 268.48 standards
	Other Reactives Subcategory based on 261.23(a)(1).	NA	NA	DEACT	DEACT
	Water Reactive Subcategory based on 261.23(a)(2), (3), and (4). (Note: This subcategory consists of nonwastewaters only.).	NA	NA	NA	DEACT and meet § 268.48 standards
	Reactive Cyanides Subcategory based on 261.23(a)(5).	Cyanides (Total) ⁷	57-12-5	Reserved	590
		Cyanides (Amenable) ⁷	57-12-5	0.86	30
D018 ..	* * *	*	*	*	*
	Wastes that are TC for Benzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Benzene	71-43-2	0.14 and meet § 268.48 standards	10 and meet § 268.48 standards
D019 ..	Wastes that are TC for Benzene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Benzene	71-43-2	0.14	10
	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Carbon tetrachloride	56-23-5	0.057 and meet § 268.48 standards	6.0 and meet § 268.48 standards
D020 ..	Wastes that are TC for Carbon tetrachloride based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Carbon tetrachloride	56-23-5	0.057	6.0
	Wastes that are TC for Chlordane based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Chlordane (alpha and gamma isomers).	57-74-9	0.0033 and meet § 268.48 standards	0.26 and meet § 268.48 standards
	Wastes that are TC for Chlordane based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Chlordane (alpha and gamma isomers).	57-74-9	0.0033	0.26

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

(Note: NA means not applicable.)

Waste code	Waste description and treatment/regulatory subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common name	CAS ² No.	Concentration in mg/l ³ ; or technology code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code
D021 ..	Wastes that are TC for Chlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Chlorobenzene	108-90-7	0.057 and meet § 268.48 standards	6.0 and meet § 268.48 standards
	Wastes that are TC for Chlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Chlorobenzene	108-90-7	0.057	6.0
D022 ..	Wastes that are TC for Chloroform based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Chloroform	67-66-3	0.046 and meet § 268.48 standards	6.0 and meet § 268.48 standards
	Wastes that are TC for Chloroform based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Chloroform	67-66-3	0.046	6.0
D023 ..	Wastes that are TC for o-Cresol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	o-Cresol	95-48-7	0.11 and meet § 268.48 standards	5.6 and meet § 268.48 standards
	Wastes that are TC for o-Cresol based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	o-Cresol	95-48-7	0.11	5.6
D024 ..	Wastes that are TC for m-Cresol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	m-Cresol (difficult to distinguish from p-cresol).	108-39-4	0.77 and meet § 268.48 standards	5.6 and meet § 268.48 standards
	Wastes that are TC for m-Cresol based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	m-Cresol (difficult to distinguish from p-cresol).	108-39-4	0.77	5.6
D025 ..	Wastes that are TC for p-Cresol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	p-Cresol (difficult to distinguish from m-cresol).	106-44-5	0.77 and meet § 268.48 standards	5.6 and meet § 268.48 standards
	Wastes that are TC for p-Cresol based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	p-Cresol (difficult to distinguish from m-cresol).	106-44-5	0.77	5.6
D026 ..	Wastes that are TC for Cresols (Total) based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, p-cresol concentrations).	1319-77-3	0.88 and meet § 268.48 standards	11.2 and meet § 268.48 standards
	Wastes that are TC for Cresols (Total) based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p-cresol concentrations).	1319-77-3	0.88	11.2
D027 ..	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	p-Dichlorobenzene (1,4-Dichlorobenzene).	106-46-7	0.090 and meet § 268.48 standards	6.0 and meet § 268.48 standards
	Wastes that are TC for p-Dichlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	p-Dichlorobenzene (1,4-Dichlorobenzene).	106-46-7	0.090	6.0
D028 ..	Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA system only.	1,2-Dichloroethane	107-06-2	0.21 and meet § 268.48 standards	6.0 and meet § 268.48 standards

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

(Note: NA means not applicable.)

Waste code	Waste description and treatment/regulatory subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common name	CAS ² No.	Concentration in mg/l ³ ; or technology code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code
D029 ..	Wastes that are TC for 1,2-Dichloroethane based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	1,2-Dichloroethane	107-06-2	0.21	6.0
	Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA system only.	1,1-Dichloroethylene	75-35-4	0.025 and meet § 268.48 standards	6.0 and meet § 268.48 standards
	Wastes that are TC for 1,1-Dichloroethylene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	1,1-Dichloroethylene	75-35-4	0.025	6.0
D030 ..	Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA system only.	2,4-Dinitrotoluene	121-14-2	0.32 and meet § 268.48 standards	140 and meet § 268.48 standards
	Wastes that are TC for 2,4-Dinitrotoluene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	2,4-Dinitrotoluene	121-14-2	0.32	140
D031 ..	Wastes that are TC for Heptachlor based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Heptachlor	76-44-8	0.0012 and meet § 268.48 standards	0.066 and meet § 268.48 standards
		Heptachlor epoxide	1024-57-3	0.016 and meet § 268.48 standards	0.066 and meet § 268.48 standards
	Wastes that are TC for Heptachlor based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Heptachlor	76-44-8	0.0012	0.066
D032 ..	Wastes that are TC for Hexachlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA system only.	Hexachlorobenzene	118-74-1	0.016 and meet § 268.48 standards	0.066 and meet § 268.48 standards
	Wastes that are TC for Hexachlorobenzene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Hexachlorobenzene	118-74-1	0.055	10
	Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Hexachlorobutadiene	87-68-3	0.055 and meet § 268.48 standards	5.6 and meet § 268.48 standards
D033 ..	Wastes that are TC for Hexachlorobutadiene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Hexachlorobutadiene	87-68-3	0.055	5.6
	Wastes that are TC for Hexachloroethane based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Hexachloroethane	67-72-1	0.055 and meet § 268.48 standards	30 and meet § 268.48 standards
	Wastes that are TC for Hexachloroethane based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Hexachloroethane	67-72-1	0.055	30

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

(Note: NA means not applicable.)

Waste code	Waste description and treatment/regulatory subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common name	CAS ² No.	Concentration in mg/l ³ ; or technology code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code
D035 ..	Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Methyl ethyl ketone	78-93-3	0.28 and meet § 268.48 standards	36 and meet § 268.48 standards
	Wastes that are TC for Methyl ethyl ketone based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, Class I SDWA systems.	Methyl ethyl ketone	78-93-3	0.28	36
D036 ..	Wastes that are TC for Nitrobenzene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Nitrobenzene	98-95-3	0.068 and meet § 268.48 standards	14 and meet § 268.48 standards
	Wastes that are TC for Nitrobenzene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, Class I SDWA systems.	Nitrobenzene	98-95-3	0.068	14
D037 ..	Wastes that are TC for Pentachlorophenol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Pentachlorophenol	87-86-5	0.089 and meet § 268.48 standards	7.4 and meet § 268.48 standards
	Wastes that are TC for Pentachlorophenol based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, Class I SDWA systems.	Pentachlorophenol	87-86-5	0.089	7.4
D038 ..	Wastes that are TC for Pyridine based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Pyridine	110-86-1	0.014 and meet § 268.48 standards	16 and meet § 268.48 standards
	Wastes that are TC for Pyridine based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Pyridine	110-86-1	0.014	16
D039 ..	Wastes that are TC for Tetrachloroethylene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Tetrachloroethylene	127-18-4	0.056 and meet § 268.48 standards	6.0 and meet § 268.48 standards
	Wastes that are TC for Tetrachloroethylene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Tetrachloroethylene	127-18-4	0.056	6.0
D040 ..	Wastes that are TC for Trichloroethylene based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Trichloroethylene	79-01-6	0.054 and meet § 268.48 standards	6.0 and meet § 268.48 standards
	Wastes that are TC for Trichloroethylene based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Trichloroethylene	79-01-6	0.054	6.0
D041 ..	Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	2,4,5-Trichlorophenol	95-95-4	0.18 and meet § 268.48 standards	7.4 and meet § 268.48 standards
	Wastes that are TC for 2,4,5-Trichlorophenol based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	2,4,5-Trichlorophenol	95-95-4	0.18	7.4

TREATMENT STANDARDS FOR HAZARDOUS WASTES—Continued

(Note: NA means not applicable.)

Waste code	Waste description and treatment/regulatory subcategory ¹	Regulated Hazardous Constituent		Wastewaters	Nonwastewaters
		Common name	CAS ² No.	Concentration in mg/l ³ ; or technology code ⁴	Concentration in mg/kg ⁵ unless noted as "mg/l TCLP"; or technology code
D042 ..	Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	2,4,6-Trichlorophenol	88-06-2	0.035 and meet § 268.48 standards	7.4 and meet § 268.48 standards
	Wastes that are TC for 2,4,6-Trichlorophenol based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	2,4,6-Trichlorophenol	88-06-2	0.035	7.4
D043 ..	Wastes that are TC for Vinyl chloride based on the TCLP in SW846 Method 1311 and that are managed in non-CWA/non-CWA equivalent/non-Class I SDWA systems only.	Vinyl chloride	75-01-4	0.27 and meet § 268.48 standards	6.0 and meet § 268.48 standards
	Wastes that are TC for Vinyl chloride based on the TCLP in SW846 Method 1311 and that are managed in CWA, CWA equivalent, or Class I SDWA systems.	Vinyl chloride	75-01-4	0.27	6.0
	* * *	* * *	* * *	* * *	* * *

Notes to table:

¹ The waste descriptions provided in this table do not replace waste descriptions in 40 CFR part 261. Descriptions of Treatment/Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.

² CAS means Chemical Abstract Services. When the waste code and/or regulated constituents are described as a combination of a chemical with its salts and/or esters, the CAS number if given for the parent compound only.

³ Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.

⁴ All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in 40 CFR 268.42 Table 1—Technology Codes and Descriptions of Technology-Based Standards.

⁵ Except for Metals (EP or TCLP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 40 CFR Part 264, Subpart O, or based upon combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 40 CFR 268.40(d). All concentration standards for nonwastewaters are based on analysis of grab samples.

⁷ Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", EPA Publication SW-846, as incorporated by reference in 40 CFR 260.11, with a sample size of 10 grams and distillation time of one hour and 15 minutes.

[FR Doc. 96-8249 Filed 4-5-96; 8:45 am]

BILLING CODE 6560-50-P