

40 CFR Part 261

[EPA/OSW-FRL-4151-2]

RIN 2050-AA78

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Toxicity Characteristic; Corrections

AGENCY: Environmental Protection Agency, (EPA).

ACTION: Final rule; corrections.

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**SUMMARY:** On March 29, 1990, the Environmental Protection Agency (EPA) promulgated a rule (55 FR 11798) to revise the existing toxicity characteristics (TC) used to identify certain wastes defined as hazardous; these wastes are regulated under subtitle C of the Resource Conservation and Recovery Act (RCRA) due to their potential to leach significant concentrations of specific toxic constituents. In the preamble, the exclusion from subtitle C regulation for arsenical-treated wood and wood products was revised inappropriately. This rule corrects that revision. Today's rule also deletes two additional references in the Code of Federal Regulations (CFR) to the Extraction Procedure (EP) Toxicity Characteristic and replaces them with references to the TC.

**EFFECTIVE DATE:** The revision is effective July 10, 1992.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice, contact the RCRA/Superfund Hotline at (800) 424-9346 (toll free) or (202) 260-3000 in the Washington, DC metropolitan area. For information on specific aspects of this notice, contact Dave Topping, Waste Identification Branch, Office of Solid Waste (OS-332), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460, (202) 260-7737.

>>> Preamble has not been included in this file <<<<

#### PART 261-IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6922, and 6938.

2. Section 261.4 is amended by revising paragraph (b)(6)(ii) introductory text to read as follows:

§ 261.4 Exclusions.

\* \* \* \* \*

(b) \* \* \*

(6) \* \* \*

(ii) Specific waste which meet the standard in paragraphs (b)(6)(i) (A), (B), and (C) (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic) are: \* \* \*

3. Section 261.4 is amended further by revising paragraph (b)(9) to read as follows:

§ 261.4 Exclusions

\* \* \* \* \*

(b) \* \* \*

(9) Solid waste which consists of discarded arsenical-treated wood or wood products which fails the test for the Toxicity Characteristic for Hazardous Waste Codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons who utilize the arsenical-treated wood and wood product for these materials' intended end use.

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**PART 265-INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES**

4. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6935.

5. Section 265.301 is amended by revising paragraph (d)(1) to read as follows:

§ 265.301 Design requirements.

\* \* \* \* \*

(d) \* \* \*

(1) The monofill contains only hazardous wastes from foundry furnace emission controls or metal casting molding sand, and such waste does not contain constituents which would render the wastes hazardous for reasons other than the Toxicity Characteristic in § 261.4 of this chapter, with EPA Hazardous Waste Number D004 through D017; and

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