

RCRA Listed Hazardous Waste/F006: U.S. Environmental Protection Agency Grants Delisting Petition



Walter Wright, Jr.

wwright@mwlaw.com
(501) 688.8839

09/26/2018

The United States Environmental Protection Agency ("EPA") published a September 12th Federal Register notice granting a petition to exclude ("Delist") hazardous waste generated by a particular facility from the Resource Conservation and Recovery Act ("RCRA") list of hazardous waste. See 83 Fed. Reg. 46126.

The materials being delisted are wastewater treatment sludge from the Sandvik Special Metals ("Sandvik") facility located in Kennewick, Washington.

The RCRA regulations provide generators the opportunity to petition EPA to delist a hazardous waste from the lists of hazardous waste. Such requests are done on a generator specific basis.

To be delisted, the regulations require sufficient information to allow EPA to determine the waste does not meet any of the criteria under which it was listed as a hazardous waste. The agency must also identify a reasonable basis to believe that factors (including additional constituents other than those for which the waste was listed) could cause the hazardous waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

The waste generated by the Sandvik facility for which delisting was requested is described as wastewater treatment sludge. The RCRA hazardous waste designation is F006 (wastewater treatment sludge from electroplating operations). The delisting petition addresses up to 1500 cubic yards of F006 wastewater treatment sludge per year.

Besides the background on the delisting process, EPA describes in the Federal Register notice the Sandvik facility and its waste generation process. This discussion includes a review of the facility's sampling/analysis of the waste and EPA's process for evaluating the risk of delisting. Also discussed is the facility's management of the waste after delisting and what obligations are imposed if the waste fails to meet the conditions of the exclusion.

A copy of the [Federal Register notice](#) can be found here.