

RCRA Listed Hazardous Waste/F037: U.S. Environmental Protection Agency Grants Delisting Petition



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The United States Environmental Protection Agency (“EPA”) published an August 22nd Federal Register Act 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 wastes. See 83 Fed. Reg. 42440.

The materials being delisted are residual solids generated from the reclamation of oil bearing hazardous secondary materials (“OBSMs”) on-site at Blanchard’s Galveston Bay Refinery (“GBR”) in Texas City, Texas.

The RCRA regulations provide generators the opportunity to petition EPA to delist a hazardous waste from the lists of hazardous wastes. 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 waste to be hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste.

The wastes generated by the GBR facility for which delisting was requested are described as residual solids from reclamation. Their RCRA hazardous waste designation is F037 (removing oil/waste/solids separation sludge). Annual generation by the facility is stated to be 20,000 cubic yards.

EPA states in analyzing the petition, it used the Delisting Risk Assessment Software Version 3.035 in calculating the impact of the waste on human health and the environment.

The delisting is granted conditioned on:

- Certain continuing verification and monitoring requirements; and,
- Disposal in a Subtitle D landfill.

A copy of the [federal register notice](#) can be downloaded below.