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U019 (Benzene) U22 (Toluene)/Delisting Petition for One- Time Amount: November 12th U.S. Environmental Protection Agency Federal Register Proposal

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The United States Environmental Protection Agency (“EPA”) published a November 12th Federal Register Notice proposing to grant three petitions to delist a one-time amount up to 20,100 cubic yards of Resource Conservation and Recovery Act (“RCRA”) listed hazardous wastes U019 (benzene) and U220 (toluene).

The delisting request encompasses petitions submitted jointly by Emerald Kalama Chemical, LLC, and Fire Mountain Farms, Inc. (collectively, “Petitioners”).

The wastes are described as a one-time amount up to 20,100 cubic years of mixed material. Further, they are limited to those associated with closure of hazardous waste management units at three facilities owned and operated by Fire Mountain Farms, Inc., pursuant to closure plans approved by the Washington State Department of Ecology.

The closure site is in Lewis County, Washington.

The RCRA Subtitle C regulations provide a procedure to exclude or delist a waste in 40 C.F.R. 260.20 and 260.22. The procedure involves the submission of a petition to EPA (or an authorized state) demonstrating a specific waste from a particular generating facility should not be regulated as hazardous.

The petitioner is required to demonstrate that a waste does not meet any of the criteria for a listed waste in 40 C.F.R. 261.1. In addition, the waste cannot exhibit any of the hazardous waste characteristics which include:

- Ignitability
- Reactivity
- Corrosivity
- Toxicity

The granting of a delisting petition for the specific identified waste will then exclude this material from the list of hazardous wastes so long as the conditions in the delisting are met.

The EPA proposal addresses:

- Description of the waste the petitioners are asking to be delisted

- Method of waste generation
- How petitioners sampled and analyzed the waste
- EPA's evaluation of the risk of delisting the waste
- EPA's proposed findings regarding the waste
- Conditions for exclusion
- How will the waste be managed if delisted
- Maximum allowable concentrations of hazardous waste constituents in the waste
- How frequently the petitioners will be required to test the waste
- What data the petitioners are required to submit
- Consequences if petitioners fail to meet the conditions of the exclusion
- Consequences of process change

A copy of the Federal Register Notice can be downloaded [here](#).