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# U019 (Benzene) U220 (Toluene)/Delisting Petition for One- Time Amount: April 8th U.S. Environmental Protection Agency Federal Register Final Rule

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The United States Environmental Protection Agency (“EPA”) published an April 8th Federal Register Notice proposing to finalize a rule delisting a one-time amount up to 20,100 cubic yards of Resource Conservation and Recovery Act (“RCRA”) listed hazardous waste U019 (benzene) and U220 (toluene).

The delisting 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 yards of mixed materials. Further, they are limited to those associated with the 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 a RCRA authorized state) demonstrating a specific waste from a particular generating facility should not be regulated as hazardous.

A 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 the two delisting petitions for the specific identified waste will then exclude this material from the list of hazardous waste so long as the conditions in the delisting are met.

The final rule addresses:

- Description of the waste the Petitioners are asking to be delisted
- Information submitted in support of the petitions

- Decision EPA is finalizing and why
- Public comments received and EPA's response
- Terms of the exclusion
- Delisting effective date
- How the action affects the states

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