

# RCRA Listed Hazardous Waste/K006: U.S. Environmental Protection Agency Proposes to Grant Amendment Delisting



**Walter Wright, Jr.**  
wwright@mwlaw.com  
(501) 688.8839

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The United States Environmental Protection Agency ("EPA") published a February 23rd Federal Register Notice proposing to grant an amendment to a prior delisting generated by a particular facility from the Resource Conservation and Recovery Act ("RCRA") lists of hazardous waste. See 86 Fed. Reg. 10911.

The materials encompass K006 chromic oxide solids to American Chrome and Chemical ("ACC") in Corpus Christi, Texas.

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.

EPA previously published a final decision in the Federal Register in 2004 (69 Fed. Reg. 56357) that excluded dewatered chromic oxide sludge derived from the treatment of K006 from the ACC facility from the list of hazardous waste found in 40 C.F.R. 261.31. This decision was conditioned upon the disposal of the material in an off-site Subtitle C landfill at an annual waste volume generation of 1,450 cubic yards of K006 dewatered sludge. Any additional waste volume in excess of this limit generated by the facility in a calendar year was to have been managed as hazardous waste.

ACC requested to add the disposal scenario of surface impoundment as a management option for the chromic oxide waste. The volume of waste is set at a maximum annual generation of 1,450 cubic yards.

EPA is proposing to grant the request based on an evaluation of waste-specific information provided by ACC.

EPA addresses in the Federal Register preamble:

- What laws and regulations give EPA the authority to delist hazardous waste?
- What is currently delisted at the ACC Corpus Christi, Texas facility?
- Information in support of ACC's petition.
- Factors EPA considered in deciding whether to grant the delisting petition.

- How EPA evaluated the risk of delisting the waste.
- What did EPA conclude?
- How will ACC manage the waste if it is delisted?
- What are the maximum allowable concentrations of hazardous constituents in the waste?
- How frequently ACC must test the waste.
- What data ACC must submit.
- What happens if ACC fails to meet the conditions of the exclusion?
- What must ACC do if the process changes?
- When will EPA finalize the proposed delisting exclusion?
- How will the action affect states?

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