

RCRA Corrosivity Hazardous Waste Characteristic: U.S. Environmental Protection Agency Addresses Petition Requesting Revisions



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

06/16/2021

The United States Environmental Protection Agency (“EPA”) addressed in a June 15th Federal Register Notice a petition requesting two changes to the current Resource Conservation and Recovery Act (“RCRA”) corrosivity characteristic regulation. See 86 Fed. Reg. 31622.

The Public Employees for Environmental Responsibility (“PEER”) and an individual submitted a petition in 2011 seeking two changes which include:

1. Revision of pH regulatory value for defining a waste as corrosive hazardous waste from the current pH 12.5 or higher, to pH 11.5 or higher; and
2. Expansion of the scope of the corrosivity regulation to apply to non-aqueous wastes in addition to the aqueous wastes addressed by the current regulation

A RCRA characteristic hazardous waste is a solid waste that exhibits at least one of four characteristics defined in 40 C.F.R. Part 261 Subpart C:

- Ignitability (D001)
- Corrosivity (D002)
- Reactivity (D003)
- Toxicity (D004-D043)

Corrosive wastes are currently described as acids or bases (pH less than or equal to 2, or greater than or equal of 12.5) and/or capable of corroding metal containers, such as storage tanks, drums, and barrels.

EPA is publishing a final denial in the June 14th Federal Register Notice of the petition. The Notice includes a discussion of the 29 comments that were received on EPA’s prior tentative denial of the rulemaking petition along with its rationale for its denial.

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