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# RCRA Listed Hazardous Waste/U019/U220: U.S. Environmental Protection Agency Proposal to Grant Delisting Petition for Kalama, Washington, Facility

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The United States Environmental Protection Agency (“EPA”) published a January 20th Federal Register notice proposing to grant a petition to exclude (“Delist”) certain hazardous waste generated by a particular facility from a Resource Conservation and Recovery Act (“RCRA”) list of hazardous waste. See 87 Fed. Reg. 3053.

The materials being delisted are up to 3,500 cubic yards of U019 (benzene) and U220 (toluene) industrial wastewater biological solids (“IWBS”) per year from a Kalama, Washington, facility.

The RCRA regulations provide generators the opportunity to petition EPA to delist a hazardous waste from the lists of hazardous waste. Such requests are addressed 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 have 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.

Kalama Chemical, LLC (“Kalama”) is stated to operate a facility which manufactures various organic chemicals used as artificial flavors and fragrances, food preservatives, plasticizers, and intermediates. Most of the chemicals produced are stated to be derived from toluene or from the oxidation products of toluene, including benzoic acid and benzaldehyde.

The treatment system is stated to produce IWBS. The IWBS is stated to be designated as U019 (benzene) and U220 (toluene). It is derived from management of wastewaters from multiple sources within the facility.

The Federal Register notice accompanying the proposed rule addresses:

- What is the listed waste associated with this petition?
- What is a delisting petition?
- What factors must the EPA consider in deciding whether to grant a delisting petition?
- What waste did the Petitioner petition the EPA to delist?

- How does the Petitioner generate the waste?
- How does the Petitioner sample and analyze the waste?
- What were the results of the EPA's analysis of the Petitioner's waste?
- How did the EPA evaluate the risk of delisting this waste?
- What are the EPA's proposed findings regarding the petitioned waste?
- How frequently must the Petitioner test the waste?
- Conditions for Exclusion
- How will the Petitioner manage the waste if it is delisted?
- What are the maximum allowable concentrations of hazardous constituents in the waste?
- What data must the Petitioner submit?
- What happens if the Petitioner fails to meet the conditions of the exclusion?
- What must the Petitioner do if the process changes?
- When would the EPA finalize the proposed delisting exclusion?
- How would this action affect states?

EPA proposes to grant the petition and a copy of the Federal Register notice can be downloaded [here](#).