



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

RCRA Listed Hazardous Waste/U019/U220: U.S. Environmental Protection Agency Final Rule Granting Delisting Petition for Kalama, Washington, Facility

07/28/2022

The United States Environmental Protection Agency (“EPA”) published a July 13th Federal Register Notice issuing a final rule granting a petition to exclude (Delist) certain hazardous wastes generated by a particular facility from a Resource Conservation and Recovery Act (“RCRA”) list of hazardous wastes. See 87 Fed. Reg. 41604.

The materials being listed are up to 3,500 cubic yards of U019 (Benzene) and U220 (Toluene) industrial wastewater biological solids (“IWBS”) generated annually from a Kalama, Washington, facility.

The RCRA regulations provide generators the opportunity to petition to delist a hazardous waste from the list of hazardous wastes. 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 (“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). They are derived from management of wastewaters from multiple sources within the Facility.

The Federal Register Notice accompanying the final rule addresses:

- EPA’s Evaluation of Public Comments
- Terms of the Exclusion
- Effective Date of the Delisting
- How the Action Affects the States

- Statutory and Executive Order Reviews

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