

List of Rulemaking Petitions in ORCR October 2010

| Name/Log No. | Petitioner | Date Requested | Description of Petition | Status/ Last Known Contact |
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| | Natural Resources Defense Council (NRDC) | | NRDC seeks to regulate the toxic wastes associated with the exploration, development and production of oil and gas. | |
| Petition for A Rulemaking Prohibiting The Disposal of Coal Power Plant Wastes in Groundwater and Surface Water (Docket document No. EPA-HQ-RCRA-2006-0796-0011) | Hoosier Environmental Council, Inc.; Citizens Coal Council, Inc.; Sierra Club; Clean Water Action; and many others | 2/9/04 | <p>“Pursuant to 42 U.S.C. Section 6974 (a) of the Resource Conservation and Recovery Act (“RCRA”) and the regulations promulgated there under, the undersigned submit this petition for rulemaking requesting that the Administrator immediately act to protect health and the environment by prohibiting the placement or disposal of power plant waste from the combustion of coal into groundwater and surface water, including manmade waterbodies, until such time as EPA promulgates federally enforceable regulations pursuant to RCRA. The U.S. Environmental Protection Agency (“EPA”) committed to adopting a solid waste regulatory program to address the placement and disposal of coal combustion wastes in its most recent Regulatory Determination issued in May 2000, based upon certain findings and recommendations published in its March 1999 Report to Congress and, until such time as these rules are proposed and adopted, the Petitioners contend that the continuing risks posed by the improper management, re-use and disposal of these industrial solid wastes warrant an immediate regulatory prohibition.”</p> | <p>Agency requested comment on the petition in the coal combustion waste (CCW) NODA (72 FR 49714, 8/29/07). The two NODA comments addressing the petition were a critical assessment of its requirements by CIBO, an industry association, and by USWAG, a utilities' industry trade association. On October 16, 2009, ORCR submitted the proposed preamble and regulation applicable to the management of Coal Combustion Residuals (CCRs) in landfills and surface impoundments for OMB's review. The review is still ongoing. (As of 2/23/10)</p> <p>Alex Livnat, MRWMD/ORCR</p> <p>Jesse Kharbanda, Executive Director Hoosier Environmental Council (HEC).</p> |

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| <p>Petition under 40 CFR 260.20 to remove saccharin and its salts from the lists of hazardous constituents (40 CFR part 261, Appendix VIII), hazardous wastes (40 CFR 261.33(f)), and hazardous substances (40 CFR 302.4)</p> | <p>Calorie Control Council</p> | <p>4/30/03; 5/11/90; and earlier</p> | <p>Petition seeks to remove saccharin and its salts (U202) from the lists of §261.33(f) and §261 Appendix VIII, and from the list of hazardous substances §302.4.</p> | <p>In 2008, GCB briefed the OSW management on the petition. The tiering decision has been approved as Tier 3. WCB held the first workgroup meeting on the proposed rule on 3/10/09. The draft proposal to grant the petition was prepared, reviewed by MRWMD Director, and forwarded to the workgroup for comments on 6/4/09. A workgroup closure meeting was held on 10/20/09. The proposed rule was approved by OD on 11/12/09 and by AA on 11/30/09, and sent to OMB via OPEI for review on 12/16/09. OMB provided comments on 2/12/10. The revised draft of the saccharin proposal based on OMB's comments was sent to OMB on 3/2/10. (As of 3/2/10)</p> <p>Narendra Chaudhari, WCB/MRWMD/ORCR.</p> <p>Lyn O'Brien Nabors, Executive Vice President, Calorie Control Council.</p> |
| <p>Chromated Copper Arsenate (CCA)</p> | <p>Beyond Pesticides</p> | <p>July 2002</p> | <p>Request that EPA repeal/remove 261.4(b)(9) (exemption from hw regulation for discarded arsenical-treated wood).</p> | <p>Response - Agency has completed groundwater fate-and-transport analysis to evaluate potential risks from disposal of CCA-treated wood in landfills. A peer review was completed in 4/09, we are currently addressing those comments, and once the analysis is revised EPA will determine next steps on addressing petition. (As of 6/4/09)</p> |
| <p>Site-Specific Risk Assessment (SSRA)</p> | <p>Cement Kiln Recycling Coalition (CKRC)</p> | <p>2/28/02</p> | <p>CKRC asserts that EPA requires SSRAs in violation of the notice and comment</p> | <p>Ross Elliott, WCB/MRWMD/ORCR. 5/15/03 OSW OD sent a memo to Regional RCRA Senior Policy Advisors</p> |

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| Hazardous Waste Combustion Site-Specific Risk Assessment Petition | | | rulemaking process required by the Administrative Procedure Act (APA), 5 U.S.C. §§551, <i>et seq.</i> The petition requests that the Agency repeal the SSRA policy and guidance and promulgate them under the APA, if the Agency continues to believe that SSRAs are necessary. | requesting summary information about SSRA decisions. (http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/8A7324F54654A02385256D2D006F05CF/\$file/14667.pdf) |
| Spent Petroleum Catalysts | Vandium Producers and Reclaimers Association (VPRA) | August 2001 | Land disposal of K171 and/or K172 (spent petroleum refining catalysts) under current regulations does not address various risks. Request that EPA amend the Land Disposal Regulations to address these risks. | No record of any further action taken. Response - Proposed Rule package is completed. Package was about to go to OPEI/OMB when it was sent back to workgroup for another review, which was completed 3/12/09. OGC has recommended waiting for DSW Final Rule issues to be resolved before submitting Spent Petroleum Catalyst to OPEI/OMB. (As of 6/4/09) |
| Rulemaking Petition of the American Portland Cement Alliance Relating to Cement Kiln Dust. | American Portland Cement Alliance (APCA), now Portland Cement Association (PCA) | 5/11/01 | Withdraw regulations proposed in 1999 relating to cement kiln dust (CKD) and reverse the regulatory determination issued in 1995. | Ross Elliott, WCB/MR/WMD/ORCR. No action taken. The CKD rulemaking decisions are on hold pending the direction of the CCW rulemaking. (As of 2/23/10) |
| Wastewater Treatment Unit Exemption | Environmental Defense Fund (EDF), Natural Resources Defense Counsel (NRDC), and Louisiana Environmental Action Network (LEAN) | 1/7/98 | Request that EPA promulgate design and performance standards, and air emission controls, for wastewater treatment units that are currently exempt from such standards. | Jana Englander of MISWD. Response - In a letter dated December 2, 1998, from Elizabeth Cotsworth, Acting Director of OSW to David Lennett, Ms. Cotsworth stated that due to several reasons, including limited resources and complex regulatory issues involving the CWA and CAA, any decision to pursue a rulemaking on WWTUs will have to be balanced against other priorities. (As of 2/25/10) Ross Elliott, WCB/MR/WMD/ORCR. |

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| | Monsanto | 4/28/97 | Petition requests removal of Triallate (U389) from list of hazardous wastes. | No record of any action taken. Triallate is still listed as U389. |
| | Mercury Refining Company (MERECO) | 11/6/96 | Petition to include mercury thermometers in the Universal Waste Management Program (§273.80). | No record of the petition being addressed. However, 70 FR 45508, 8/5/05, Final Rule adds mercury-containing equipment to the list of universal wastes. [NOTE: MCE includes thermometers, per 70 FR 45513.] [PETITION MOOTED] |
| | Utilities Solid Waste Activities Group (USWAG), the Edison Electric Institute, the American Public Power Association, and the National Rural Electric Cooperative Association | 10/11/96 | Petition to include mercury-containing equipment in the Universal Waste Management Program (§273.80). | OSW OD said in a response letter dated 5/29/97 that EPA had no plans to address USWAG's petitions to add mercury-containing equipment, paint, and paint-related wastes to the universal waste rule in 1997 and that the universal waste rule explicitly provided flexibility for states to add other waste categories to their approved state program. However, the petition has since been addressed in 70 FR 45508, 8/5/05. This Mercury-Containing Equipment Final Rule adds mercury-containing equipment to the list of universal wastes. |
| | Utilities Solid Waste Activities Group (USWAG) | 2/6/96 | Petition to include "utility access residuals" from utility vaults in the Universal Waste Management Program (§273.80). [NOTE: Per Agency's 5/29/97 letter in response to USWAG's letter of 3/26/97, USWAG's petitions request the addition of the following wastes to the Federal universal waste program: mercury-containing equipment, paint and paint-related wastes, and utility access | [PETITION ADDRESSED] USWAG's 3/26/97 letter expressed its dissatisfaction with the Agency's decision not to act on USWAG's petitions. OSW OD responded on 5/29/97 that "One proposal that we are considering as part of the manifest revisions effort would allow generators to consolidate waste at central locations," and that "Utility access residuals would be covered under this proposal." [NOTE: Proposed manifest revisions |

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| | | | <p>residuals.]</p> <p>[Per Rich Lashier of MRWMD/ORCR: Utility Access Residuals were addressed in an "XL" project initiated by Region 2 for New York wastes, and codified at 40 CFR Part 262. There are no current plans to adopt this program nationally.]</p> | <p>(including Form Revisions and E-manifest Revisions) published 5/22/01. Manifest Form Revisions final rule published 3/4/05. E-Manifest Revisions -- notice published 4/18/06 to solicit comment on recommendation for a national system; NODA published 2/26/08; addressing comments (issues regarding CBI and dual paper and electronic systems) and awaiting legislation that will authorize the regulated community to use electronic manifests as the legal equivalent of paper manifests.</p> <p>In addition, 70 FR 45508, 8/5/05, Final Rule adds mercury-containing equipment to the list of universal wastes.] (As of 3/10/10)</p> <p>Rich Lashier and Bryan Groce, MRWMD/ORCR</p> |
| | <p>New York State Department of Environmental Conservation (NYDEC)</p> | <p>1/22/96 12/23/94</p> | <p>Petition requesting EPA to amend its requirements for hazardous waste transfer facilities (§263.12).</p> | <p>Responded on 3/1/96 to both petitions stating that resources are unavailable at this time. No record of any further action taken.</p> |
| | <p>Utilities Solid Waste Activities Group (USWAG)</p> <p>Ravenswood Aluminum</p> | <p>1/17/96 3/14/95</p> | <p>Universal Waste Management Program (§273.80).</p> <p>Petition to store used oil in a surface impoundment.</p> | <p>Nature of petition unknown. No record of any action taken.</p> <p>A letter dated 7/22/94 from HWID DD to Ravenswood's attorney said that "assuming the de minimis provision does not apply, Ravenswood cannot legally store or manage used oil in its surface impoundments unless those surface impoundments are operating under a RCRA permit or under interim status."</p> |

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| | | | | <p>The letter indicated that they should contact EPA Region III regarding the existing status of the surface impoundments in question at the Ravenswood site and to obtain information on obtaining a RCRA permit, if necessary. See RCRA Online at http://yosemite.epa.gov/osw/rcra.nsf/ea6e50dc6214725285256bf00063269d/7E6930B005390E7F8525670F006BF01A/\$file/11858.pdf.</p> |
| | <p>Environmental Technology Council (ETC)</p> | <p>3/14/95</p> | <p>Petition concerns a potential listing of tar residues from abandoned manufactured gas plants (MGP) sites.</p> | <p>No record of any action being taken.</p> <p>However, the LDR Phase IV Final Rule (63 FR 28555, 5/26/98) promulgated treatment standards for hazardous contaminated soils, including MGP soils. In addition, several policy letters/memos/documents provide guidance on remediation of MGP sites. For example, a letter dated 8/21/98 from OSW OD to Piper and Marbury LLP indicated that soil from manufactured gas plants that exhibit a characteristic when first generated (i.e., when first removed from the land) remains subject to the land disposal restrictions even if it is subsequently decharacterized. A letter dated 10/19/00 from OSWER Principal Deputy AA to Vectren Corporation stated that the TCLP cannot be used to determine whether manufactured gas plant (MGP) waste is TC hazardous due to court ruling (Association of Battery Recyclers, Inc., et al. v. US EPA); that MGP remediation waste is not listed but may be hazardous if it exhibits an ignitable, corrosive, or reactive</p> |

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| | | | | <p>characteristic, though unlikely; and that MGP remediation waste determined to be nonhazardous would be governed by state industrial or nonhazardous waste regulations. The Agency published a document summarizing innovative strategies and technical approaches for expediting site characterization and source material remediation at former MGP sites, entitled "A Resource for MGP Site Characterization and Remediation," EPA 542-R-00-005, July 2000.</p> |
| | Abbott Laboratories | 2/14/95 | <p>Petitions requests delisting of epinephrine and nitroglycerine (P042 and P081) as "acutely hazardous waste."</p> | <p>No action taken. Epinephrine and nitroglycerine are still listed as P042 and P081, respectively.</p> <p>However, several letters/memos have been written clarifying the scope of epinephrine and nitroglycerine. For example, a response letter dated 3/18/03 from HWID DD to Pharmecology Associates, LLC states that under the revised mixture and derived-from rules, a waste that has been listed solely for the characteristic of ignitability, corrosivity, or reactivity is not regulated as a hazardous waste if it does not exhibit any hazardous waste characteristic. "Because P081 is listed solely for reactivity, and because we presume that medicinal nitroglycerine is not reactive, it would not be regulated as hazardous waste." Also, OSW OD's 10/15/07 memo to Regional Division Directors indicates the scope of the P042 listing does not include epinephrine salts.</p> |
| | Lead Industries | | Petition for a hazardous waste exemption | Interim response sent on 3/27/95 stating |

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| | Association | | for lead stabilized PVC waste. | that resources are not available. No record of any further action taken. |
| | American Association of Railroads (AAR) | 10/14/94 6/29/88 | <p>AAR requests changes to manifest and shipping paper requirements in §263.20.</p> <p>[Per Rich Lashier of MRWMD/ORCR: AAR has on several occasions asked EPA for additional relief from manifest requirements. The adoption of the electronic manifest would provide a means to reduce AAR's members from paper manifest requirements, but this action is still delayed pending legislation.]</p> | <p>Proposed manifest revisions (including Form Revisions and E-manifest Revisions) published 5/22/01. Manifest Form Revisions final rule published 3/4/05. E-Manifest Revisions – notice published 4/18/06 to solicit comment on recommendation for a national system; NODA published 2/26/08; addressing comments (issues regarding CBI and dual paper and electronic systems) and awaiting legislation that will authorize the regulated community to use electronic manifests as the legal equivalent of paper manifests. <i>However, AAR's petition does not seem to be specifically addressed in the above rulemakings.</i> MRWMD will be meeting with AAR to discuss their specific manifest issues, as well as dealing with this petition in the context of the e-Manifest Rule. (As of 3/10/10)</p> <p>Rich Lashier and Bryan Groce, MRWMD/ORCR</p> |
| | Battery Council International (BCI) | 8/16/94 | <p>Modification of transporter regulations to allow lead-bearing materials to be shipped with a new "recyclables manifest" (§§262-263).</p> <p>[Per Rich Lashier of MRWMD/ORCR: The Definition of Solid Waste (DSW) task force and rule did not adopt the 1994 suggestion that a new manifest be developed just for recyclable materials. If lead-bearing materials are excluded by</p> | <p>A response letter dated 11/9/94 stated that one of the Definition of Solid Waste Task Force recommendations was that "recyclable hazardous wastes should be transported under a system similar to the one suggested by your organization." Records indicate that another response was sent on 4/3/97 stating the issue was being considered in manifest rulemaking; however, a copy of this letter cannot be found. Another letter sent on 1/20/98 in</p> |

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| | | | <p>the DSW rule, a manifest is not required. If these materials do not meet conditions of the DSW Rule, they remain hazardous waste and must use hazardous waste manifest. No additional action planned.]</p> | <p>response to BCI's 12/22/97 letter said that "The most promising regulatory vehicle for addressing the BCI petition is the hazardous waste manifest regulation now under development. . . During the last two months EPA has conducted stakeholder outreach to obtain views on the strategies being considered for revamping the manifest, and has specifically sought comment on exempting recyclables from manifest requirements. We continue to evaluate a variety of alternatives for hazardous waste recyclables as a whole, but are not prepared to issue a decision on the BCI petition until such time as we are able to decide the overall direction of the revised manifest."</p> <p>Proposed manifest revisions (including Form Revisions and E-manifest Revisions) published 5/22/01. Manifest Form Revisions final rule published 3/4/05. E-Manifest Revisions – notice published 4/18/06 to solicit comment on recommendation for a national system; NODA published 2/26/08; addressing comments (issues regarding CBI and dual paper and electronic systems) and awaiting legislation that will authorize the regulated community to use electronic manifests as the legal equivalent of paper manifests. <i>However, BCI's petition does not seem to be specifically addressed in the above rulemakings.</i> (As of 3/10/10)</p> <p>Rich Lashier and Bryan Groce, MR WMD/ORCR</p> |

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| | National Association of Photographic Manufacturers (representing the Silver Coalition) | 1/27/93 | Petition seeks to remove silver as a hazardous constituent from the TC. | A letter dated 8/16/95 from the Regulatory Development Branch to DuPont Medical Products said that the Agency was considering a request by the Silver Coalition to remove silver from the TC. Subsequently, EMRAD/OSW did an evaluation of silver, concluding that "some silver-bearing waste streams have the potential, if not managed in Subtitle C units, to contaminate ground water; that standards based on the current RfD for argyria are protective of potential health effects that could stem from the mismanagement of silver-bearing waste streams; and that recently reported effects (i.e., developmental effects in an animal study) merit additional research to confirm (or refute) these effects and establish whether an RfD based upon a toxic endpoint should be developed. Because silver has been shown to deposit in neural tissues in some studies, it would be important to include neurotoxicological endpoints in this research." |
| Petition for Clarification or, in the Alternative, for Reconsideration of EPA's Definition of Wastewater Treatment "Tank" As Found in 40 CFR 260.10. | American Petroleum Institute (API) | 6/23/92 | PI believes that EPA's interpretation of "tank" as being a unit capable of supporting itself when free-standing, and filled to capacity, was a substantive standard that EPA put forward without notice and comment. | No record of any further action to initiate regulatory revisions to the TC for silver. Silver is still listed as a TC constituent. Greg Helms, WCB/MRWMD/ORCR. Unknown status, unknown last contact. |

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| | Allwaste, Inc. (Later joined by NGA, CWTI, NTTC, and ICWM) | 6/25/91 | Status of residues from tank-cleaning facilities and manifesting procedures (\$261.7). | Topic was discussed at a Reg-Neg meeting. No record of any further action taken. |
| Petition of National Solid Wastes Management Association to Initiate a Proceeding to Revise Financial Assurance Criteria and Mechanisms, RCFP-S0008 | National Solid Wastes Management Association | 02/16/90 | NSWMA petitioned EPA to initiate a rulemaking proceeding to amend the financial responsibility requirements promulgated under RCRA and TSCA. Petitioner claimed that EPA had followed a pattern of developing separate financial assurance requirements for each of the individual programs under RCRA, SDWA, and TSCA. "The individual requirements, in turn, are modeled after the Agency's original Subtitle C program. As a result, the flaws in the Subtitle C program -- which are troublesome, but not fatal for that program in isolation -- are magnified as they are replicated in the Subtitle I, UIC, PCB, and Subtitle D (proposed) programs. The cumulative effect of additional financial assurance requirements and of separate state requirements presents the imminent threat of restricting waste management capacity in this country...the Agency should consider changes in the base Subtitle C program (and conforming changes in the Subtitle I, Class I deep well and PCB financial programs); it should defer the development of the Subtitle D financial responsibility program and Subtitle C corrective action regulations until those necessary changes have been identified and implemented; and it should commit the resources necessary to resolve those issues promptly through its rulemaking authorities. A copy of the petition is on file. | Following proposed revisions to the RCRA Subtitle C financial test in July 1991, Agency conducted an analysis in response to the petition which assessed the impacts on availability, performance, and costs of a financial test when obligations in addition to closure and post-closure obligations were included. Analysis indicated the impacts on availability and performance were insignificant, and that although the public and private costs of the test increased, the percentage increase was the same for both (that is, public costs did not increase more significantly than private costs). This analysis is referenced and discussed in draft preamble of current proposed revision to RCRA Subtitle C Financial Test, which was sent to OMB in late 2008. The draft proposal was pulled back from OMB earlier this year. (NOTE: Not sure if Agency undertook other analysis, activities, etc. in response to the petition. We are still checking in with OGC to see if they have any sort of record). (As of 2/23/10) Jeff Gaines and Tricia Buzzell of PIID/ORCR. |

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| | Association of State and Territorial Solid Waste Management Officials (ASTSWMO) | 1/8/90 | Petition to promulgate regulations for a national uniform manifest system (§§262-263). | <p>EPA held a Reg-Neg meeting from 1992-1994. Currently being addressed in manifest rulemaking.</p> <p>(Proposed manifest revisions (including Form Revisions and E-manifest Revisions) published 5/22/01. Manifest Form Revisions final rule published 3/4/05. E-Manifest Revisions – notice published 4/18/06 to solicit comment on recommendation for a national system; NODA published 2/26/08; addressing comments (issues regarding CBI and dual paper and electronic systems) and awaiting legislation that will authorize the regulated community to use electronic manifests as the legal equivalent of paper manifests.) (As of 3/10/10)</p> <p>Rich Lashier and Bryan Groce, MRWMD/ORCR</p> |
| RS 12 | National Association of Solvent Recyclers (NASR) | 2/9/89 | Requests an amendment to §261.6 requiring all off-site solvent recyclers to comply with hazardous waste storage facility requirements. | <p>On 3/13/89 OSW OD sent a letter to NASR in response to its petition, stating: “the issue you raised, relative to certain companies avoiding having to obtain RCRA permits for storage by directly pumping used solvent from transportation tanks into distillation equipment, is one that the Agency is currently evaluating as it relates to the regulation of boilers and furnaces. In an upcoming proposed rulemaking, we will be taking comment on whether to continue to allow the direct pumping of hazardous waste from transportation tanks into industrial boilers and furnaces or whether it is significantly more protective of public health and the</p> |

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| | | | | <p>environment to require the use of storage tanks." This letter also stated that the direct transfer of solvents from transportation tanks into distillation equipment does not require a storage permit.</p> <p>Records indicate that then-OSW staff met with OGC and OPPE to discuss the petition. It was agreed that OSW would ask NASR for information on the non-NASR member population. No record of any further action taken.</p> |
| LS 12 | Aluminum Association | 11/88 | Requests an exclusion under §261.4(b) for K088, spent aluminum potliners, and requests that EPA develop a hazardous waste characteristic test for leachable free cyanide. | <p>Some but not all issues resolved. Would require response via rulemaking. We have never developed a hazardous waste characteristic test for leachable free cyanide.</p> <p>[NOTE: Per 3/3/93 letter from OSW OD to Texas Water Commission regarding the availability of criteria used to evaluate the characteristic of reactivity, EPA had test procedures to determine the reactivity of wastes that release hydrogen cyanide or hydrogen sulfide gas when they are mixed with weak acid. This letter has since been superseded by a memo dated 4/21/98 from HWID DD to NEIC withdrawing the cyanide and sulfide reactivity guidance from SW-846 Chapter Seven. No further action planned.]</p> |
| LS 11 | Ferroalloys Association and Macalloy Corporation | 10/88 | Requests that K090 and K091 (trivalent chromium wastes) be excluded from the definition of hazardous waste under | <p>Greg Helms, WCB/MRWMD/ORCR.</p> <p>The LDR Phase IV Final Rule removed K090 and K091 from §261.32 (64 FR 56470, 10/20/99) among several other K-</p> |

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| | | | <p>§261.4(b)(6). (The Agency's 10/3/89 letter in response to the 8/16/89 letter from a representative of Ferroalloys Association and Macalloy Corporation reflects that it petitioned to withdraw the K090 and K091 listings.)</p> | <p>code wastes vacated on 4/9/99 in Great Lakes Chemical Co. v. EPA (No. 98-1312 (D.C. Cir.)).</p> <p>[NOTE: A letter dated 10/3/89 from the Land Disposal Restrictions Branch Chief to the petitioners said that there was no plan to remove K090 and K091 listings since "new evidence suggests that Chromium (III) may be a potential carcinogen," and that "the Agency is also rethinking the appropriateness of the exclusion under §261.4(b)(6) for wastes which contain chromium which is nearly exclusively in the trivalent form." However, the letter stated "A final determination on your members' petition to withdraw the listings will be made only after notice in the Federal Register. . ." In addition, the 3/29/90 TC Rule stated (at 55 FR 11812) that "the Agency is considering proposing the deletion of the exclusion for specific chromium wastes that contain virtually no hexavalent chromium..."]</p> |
| | Vulcan Chemicals | 5/23/88 | Petition requests changing the classification of EPA HW No. F021 (pentachlorophenol) from "acutely hazardous" to "toxic." | <p>A letter dated 8/29/88 from OSW OD to Hazards in the Environment Action League said that the Agency was considering the petition to change the designation of pentachlorophenol (PCP)-containing wastes F021 and F027 from acutely hazardous to toxic, and that the Agency would respond to the rulemaking petition in the near future. No record of any further action taken. F021 is still identified in §261.30 as "H" (acute hazardous waste), not "T" (toxic waste).</p> |

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| RS 14 | Racon Refrigerant Inc. | 2/1/88 | Requests a revision to §261.4(a) to exempt reclamation and reuse of refrigerant gases from permitting requirements. | 7/21/88 OSW OD letter to Racon indicated that CFC refrigerants are probably not hazardous wastes. Notice of Data Availability (54 FR 31335, 7/28/89) further clarified this issue. |
| RS 10 | Scott Paper Company | 5/27/87 | Requests an exclusion under §261.4(b) for disposable wipers that become contaminated with hazardous waste through normal use. | Briefing paper prepared on 9/20/89, which identified issues to be resolved in order to respond to the contaminated <u>rag</u> s and <u>wiper</u> s issue. Proposed conditional exclusion for solvent-contaminated rags/ wipers published 11/20/03 (68 FR 65586); public hearing held 3/9/04; NODA published on 10/27/09. The NODA describes a new landfill model and risk assessment completed by EPA to determine the risks posed from the landfill disposal of disposable wipers and the sludges from industrial laundries where recyclable wipers are cleaned. The comment period was set at 60 days, but has been extended another 60 days to February 26, 2010. (As of 2/23/10) |
| RS 09 | Alliance of Textile Care Associations (ATCA) | 3/10/87 | Requests an exclusion from the definition of solid waste under §261.6(a)(3) for industrial textile materials that become soiled with hazardous waste through normal use and are recycled by laundering or dry cleaning. | Teena Wooten, RGB/MRWMD/ORCR Briefing paper prepared on 9/20/89, which identified issues to be resolved in order to respond to the contaminated <u>rag</u> s and <u>wiper</u> s issue. Proposed conditional exclusion for solvent-contaminated rags/ wipers published 11/20/03 (68 FR 65586); public hearing held 3/9/04; NODA published on 10/27/09. The NODA describes a new landfill model and risk assessment |

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| | | | | <p>completed by EPA to determine the risks posed from the landfill disposal of disposable wipes and the sludges from industrial laundries where recyclable wipes are cleaned. The comment period was set at 60 days, but has been extended another 60 days to February 26, 2010. (As of 2/23/10)</p> <p>[NOTE: The 11/20/03 proposed rule indicated that "Today's proposal also contains the Agency's proposed response to rulemaking petitions filed by the Kimberly-Clark Corporation and the Scott Paper Company. . . In addition to these petitions from the makers of disposable wipes, in 1987, EPA received a rulemaking petition . . . from the industrial laundries requesting that the solvent-contaminated wipes they wash before returning them to their customers for reuse be excluded from the definition of solid waste. In 2000, the laundries withdrew their petition. Nevertheless, the various rulemaking petitions helped set in motion the development of this proposed rule that addresses the regulatory requirements for both disposable and reusable industrial wipes."]</p> |
| LS 09 | Fisons Corporation | 12/19/86 | Requests removal of epinephrine from §261.33. | <p>Teena Wooten, RGB/MRWMD/ORCR</p> <p>No record of any action taken.</p> <p>Epinephrine is still listed as P042 in §261.33.</p> |
| RS 08 | International Precious Metals Inst. (IPMI) | 12/4/86 | Requests an exemption for generators, transporters, and recycling facilities from | <p>However, OSW OD's 10/15/07 memo to Regional Division Directors clarifies that the scope of the P042 listing does not include epinephrine salts.</p> <p>Briefing paper prepared on 9/20/89 for staff recommending denial of petition.</p> |

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| RS 07 | Secondary Lead Smelters Assoc. | 11/17/86 | hazardous waste manifest requirements for precious metals hazardous waste destined for recycling. | An options paper was developed on this issue. EPA met with IPMI on 10/17/89 to discuss petition. No record of any further action taken. |
| LS 08 | Inco Limited/Inco United States, Inc. | 11/6/86 | Requests to exclude lead-bearing battery plates and groups stored in raw materials storage piles by secondary lead smelters from being classified as solid waste under §261.1. | Petitioner was informed of a 6/26/86 guidance memo from OSW Director to EPA Regions on secondary lead smelter variance to EPA Regions. No further action is required on this petition. |
| RS 11 | Alliance Textile Care Association (ATCA) | 11/5/86 | Requests remove of metallic nickel from list of hazardous constituents in Appendix VIII of Part 261. | No record of any action taken. |
| RS 06 | Conoco Petroleum | 10/7/86 | Requests an exclusion of dry-cleaning cartridge filters from regulation as hazardous waste after they are processed to recycle most accumulated solvents. | 9/20/89 briefing paper prepared recommending denial of the petition. An options paper was also developed on the issue. No record of any further action taken. |
| RS 05 | Indium Corporation | 3/7/86 | Requests a change to the definition of on-site to include off-shore generation points. | No record of any action being taken. |
| RS 04 | Kimberly-Clark Corp. | 3/26/85 | Requests an amendment of the definition of precious metals to include indium. Requests an exclusion under §261.4(b) for disposable wipers that have become contaminated with hazardous waste through normal use. | No record of any action being taken. Proposed conditional exclusion for solvent-contaminated rags/ wipes published 11/20/03; public hearing held 3/9/04; NODA published on 10/27/09. The NODA describes a new landfill model and risk assessment completed by EPA to determine the risks posed from the landfill disposal of disposable wipes and the sludges from industrial laundries where recyclable wipes are cleaned. The comment period was set at 60 days, but has been extended another 60 days to February 26, 2010. (As of 2/23/10) |

Teena Wooten, RGB/MRWMD/ORCR

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| | Rollins Environmental Services | 7/2/84 | Manifest regulations for lab packs issued by EPA and DOT (§§261-263). | <p>No record of any action being taken.</p> <p>(Proposed manifest revisions (including Form Revisions and E-manifest Revisions) published 5/22/01. Manifest Form Revisions final rule published 3/4/05. E-Manifest Revisions – notice published 4/18/06 to solicit comment on recommendation for a national system; NODA published 2/26/08; addressing comments (issues regarding CBI and dual paper and electronic systems) and awaiting legislation that will authorize the regulated community to use electronic manifests as the legal equivalent of paper manifests.) (As of 3/10/10)</p> <p>Rich Lashier and Bryan Groce, MRVMD/ORCR</p> |
| | Reynolds Metals Company and Miller Brewing Company | 2/84 | Requests exemption of the phosphating conversion coating of two-piece aluminum beverage cans from the F019 listing | <p>On 2/2/87 Reynolds withdrew the petition as a result of their process changes. [PETITION RESOLVED]</p> |
| RS 03 | Kimberly-Clark Corp. | 6/15/83 | Requests exemption of oil-contaminated industrial wipers from forthcoming waste oil rules under RCRA. | <p>Proposed to grant petition in the proposed used oil listing (11/29/85, 50 FR 49258). Location of petition unknown.</p> <p>The final listing decision on recycled used oil (9/10/92; 57 FR 41566) stated that “Commenters were nearly unanimous in support of EPA’s proposal to exclude wipers and other materials contaminated with used oil from the proposed listing. Based on public comments and commenter-submitted data, the Agency has decided not to list any used oils as</p> |

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| | | | | <p>hazardous wastes. Therefore, mixtures of used oils and other materials are not automatically hazardous wastes via the mixture rule." [PETITION ADDRESSED] No record of any action. Location of petition unknown.</p> |
| | American Chemical Society (ACS) | 9/28/82 | Petition to simplify procedures for disposal of laboratory chemical waste (§§261-263). | <p>[NOTE: Some issues may have been resolved by the 73 FR 72912 (12/1/08) Final Rule for management of academic laboratory waste materials.] Proposed rule of 12/21/84, 49 FR 49784 proposed to add 109 chemicals in response to the Michigan petition. This proposed rule was never finalized, per 60 FR 7824, 2/9/95 (below).</p> |
| LS 06 | State of Michigan | 2/8/82 | Requests addition of 174 additional materials to §261.33. | <p>[NOTE: On 2/9/95 EPA published the Carbamate Listing Final Rule (60 FR 7824, 2/9/95), which listed carbamate production wastes in response to one comment received on carbamates that were part of the "Michigan List" proposal (49 FR 49784, December 21, 1984), and added some chemicals to the P & U lists of commercial chemical products and deferred action on some chemicals. Per this final rule, several added carbamates were part of the 49 FR 49784 "Michigan List" proposal.] No record of any action being taken. Location of petition unknown.</p> |
| RS 02 | Englehard Industries | 1/20/82 | Requests to allow generators to store hazardous waste on-site in emergency surface impoundments. | No record of any action being taken. Location of petition unknown. |
| MS 03 | Diamond Shamrock | 7/9/81 | Requests to use neutral water extraction for testing purposes. | No record of any action being taken. Location of petition unknown. |
| MS 05 | General Motor Co. | 7/81 | Requests an exemption to use neutral | No record of any action being taken. |

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| MS 04 | American Cast Iron Pipe Company | 6/4/81 | Requests an exemption to use neutral water instead of acidic extractant. | Location of petition unknown. No record of any action being taken. |
| RS 01 | Findly Chemical Disposal, Inc. | 5/11/81 | Requests regulatory relief for generator of lab chemical waste. | Location of petition unknown. Location of petition unknown. Some issues may have been resolved by the 73 FR 72912 (12/1/08) Final Rule for management of academic laboratory waste materials. |
| MS 02 | National Food Processing Assoc. | 3/16/81 | Requests exemption of caustic rinse waste and solid peel removal waste under §261.22(e). | No record of any action being taken. Location of petition unknown. |
| LS 02 | Ralston Purina Co., St. Louis, MO | 2/24/81 | Requests removal of products containing famphur (P097), methomyl (P066), and dimethoate (P044) from §261.33(e) | 48 FR 45210, 10/3/83, proposed to remove P044 and revise the P066 and P097 listings in response to the petition. No record of any action being taken. Famphur (P097), methomyl (P066), and dimethoate (P044) are still listed in §261.33(e). |
| MS 01 | National Paint & Coatings Assoc. | 2/13/81 | Requests modification of ignitability characteristic to encompass sustained burning rather than flash point. | No record of any action being taken. Location of petition unknown. [NOTE – per Greg Helms of WCB/MRWMD/ORCR: In 45 FR 33108, 5/19/80, the Agency said the following: “A number of commenters argued that the 140°F flashpoint for liquids improperly included many liquid wastes such as wine and some latex paints which exhibit low flashpoints because of their alcohol content but do not sustain combustion because of the high percentage of water present. EPA agrees that such wastes should not be designated as hazardous, but unfortunately has no data on hand which identifies the correlation between the concentration of alcohol in such wastes and the established |

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| RS 13 | Stauffer Chemical Co. | | Requests an exclusion from the definition of solid waste for a sulfur dioxide containing gas stream generated by their six spent sulfuric acid regeneration plants. These gases are a result of co-firing hazardous waste fuels, fossil fuels, and burning of spent sulfuric acid (i.e., the gases would be derived-from wastes). | flashpoint of 140°F. Accordingly, it has for the time being opted to follow the Department of Transportation's lead and exclude from its ignitable liquids category aqueous solutions containing less than 24 percent of alcohol by volume. This exclusion will remove from the ignitability characteristic liquid wastes which the Agency knows may flash but not sustain combustion. In the meantime, EPA hopes to undertake further study to determine whether another exclusion limit is more appropriate and to evaluation tests which might be capable of identifying wastes which exhibit this phenomenon."] |
| | | | | Historical records indicate that a preliminary analysis was completed and recommendation for next step was pending meeting with senior management. Recommendation would be to prepare guidance document for Regions for determination under §260.30, similar to action taken on secondary lead smelters petition. No record of any further action taken. |