

Certain Dye and Pigment Production Wastes are Listed as Hazardous Waste

Final Rule
70 FR 9138-9180
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What is this Federal Register About?

U.S. EPA is listing as hazardous waste nonwastewaters generated from the production of certain dyes, pigments, and FD&C colorants. The waste is designated K181. This listing sets annual mass loadings for constituents of concern, such that wastes would not be hazardous if the constituents are below the regulatory thresholds given in the listing. If the wastes meet or exceed the regulatory mass loading levels, for the year, for any constituents of concern, the wastes must be managed as listed hazardous wastes, unless the wastes are either disposed of in a landfill unit that meets certain liner design criteria, or treated in a combustion unit as specified in the listing description.

The product classes of dyes, pigments and FDA colorants impacted by this listing are the azo, triarylmethane, perylene and anthraquinone classes. Nonwastewaters from the manufacturing of these dyes and pigments must be evaluated for seven constituents of concern.

Wastes that are below the mass loading limits, or wastes that meet the conditional exemption as described in the regulation, are excluded from the listing from their point of generation, and would not be subject to any RCRA subtitle C management requirements for generation, storage, transport, treatment, or disposal (including the land disposal restrictions).

When a waste exceeds the annual mass loading levels given in the rule, from that point on the waste is listed hazardous waste unless disposed of in a landfill with a composite liner (which includes Subtitle D and industrial landfills), combusted at a permitted Subtitle C facility or combusted in an incinerator permitted under the Clean Air Act that is located on-site where the wastes are generated. If generators of wastes potentially subject to the K181 listing use landfills meeting the design standards, or treat the waste in specified combustion units, then the mass loading limits set forth in K181 would not apply and the waste would not be hazardous.

This rule also adds five toxic constituents to the list of hazardous constituents that serves as the basis for classifying wastes as hazardous. In addition, this rule establishes Land Disposal Restrictions (LDR) treatment standards for the constituents.

Considering the nature of the listing with the mass loading and the exemption for wastes disposed of in certain landfills and incinerators, what wastes would carry this listing?

- Wastes that exceed the mass loading for any constituent of concern that are deep-well injected or managed in a surface impoundment.
- Wastes that exceed the mass loading for any constituent that are combusted in off-site combustion units that are not permitted hazardous waste units.

- Wastes that exceed the mass loading for any constituent that are disposed of in a landfill that does not meet the liner design requirements.

When is this listing effective in Ohio?

This new hazardous waste listing is effective in Ohio on August 23, 2005. It will be implemented and enforced by U.S. EPA until Ohio EPA adopts the listing.

What does this mean to the regulated community?

Permitted Hazardous Waste Storage, Treatment and Disposal Facilities: Once Ohio EPA adopts the listing, permitted hazardous waste facilities will need to submit a permit modification within 30 days of the rule becoming effective in Ohio in order to store, treat or dispose of wastes destined for land disposal or treatment at a facility other than a landfill or combustion unit as described in the listing.

Federal Register Link: Final rule

<http://www.epa.gov/fedrgstr/EPAFR-CONTENTS/2005/February/Day-24/contents.htm>

Federal Register Link: Proposed rule

<http://www.epa.gov/fedrgstr/EPAFR-CONTENTS/2003/November/Day-25/contents.htm>

Federal Guidance Documents:

<http://www.epa.gov/epaoswer/hazwaste/id/dyes/index.htm>

<http://www.epa.gov/epaoswer/hazwaste/id/dyes/dyes-ffs.htm>