

Spent Catalysts from Dual-Purpose Petroleum Hydroprocessing
Reactors

Notice of Listing Interpretation (K171 & K172)

67 FR 30811 - 30818

May 8, 2002

What is this Federal Register about?

This is a Notice of final interpretation. There are no rule changes associated with this action.

EPA is announcing its decision to maintain its interpretation that spent catalysts removed from dual purpose petroleum hydroprocessing reactors (such as H-oil units) are included within the scope of the hazardous waste listings for spent hydrotreating catalysts (K171) or spent hydrorefining catalysts (K172). EPA promulgated these hazardous waste listings in August 1998. They became effective in February 1999. Ohio EPA adopted the listings in December 2000.

EPA's interpretation with regard to spent catalysts from dual purpose reactors, as originally expressed in the November 29, 1999 memorandum (followed by another memorandum on June 1, 2000) is based on the fact that catalysts used in dual purpose reactors enhance the hydrotreatment or hydrorefining of petroleum feedstock. Dual purpose reactors are hydroprocessing reactors that perform hydrotreatment or hydrorefining functions while simultaneously hydrocracking petroleum feedstock. The fact that such reactors hydrocrack petroleum feedstocks does not exclude the spent catalysts from the hazardous waste listing. It was never the EPA's intent to exclude a spent catalyst from the listings for K171 and K172 on the basis that a spent catalyst is removed from a unit or reactor that hydrocracks petroleum feedstock, when the same unit or reactor also performs a hydrotreating or hydrorefining function.

History: Industry sued EPA challenging the validity of the November 29, 1999 memorandum. EPA and industry entered into a settlement agreement, part of which required EPA to take public comment on the memorandum, respond to comments and announce its decision either to maintain or change the interpretation. This Federal Register announces EPA's final interpretation.

Will Ohio EPA be commenting on this Federal Register?

No. This is not a proposed rule or guidance and EPA is not calling for comments.

How will this interpretation impact DHWM or Ohio EPA?

The waste classification of spent catalyst from dual hydroprocessing reactors has been an issue in the AGO/OEPA enforcement action against Shieldalloy Metallurgy Corp. Shieldalloy reclaims this material for its vanadium value and was cited for improperly storing the material at a unpermitted hazardous waste facility.

Federal Register

<http://www.epa.gov/fedrgstr/EPA-WASTE/2002/May/Day-08/f11451.htm>

Guidance:

<http://www.epa.gov/epaoswer/hazwaste/id/petroleum/catalyst.htm>.

This document contains links to EPA's response to comment document and the Federal Registers.