

Zinc Fertilizer Made from Recycled Hazardous Secondary Materials
Final Rule
67 FR 48393 - 448415
July 25, 2002

What is this Federal Register About?

This is a final rule that applies to the recycling of hazardous secondary materials to make zinc fertilizer products. This rulemaking establishes the following:

- 1. A conditional exclusion from the definition of waste for characteristic and listed hazardous wastes that are used to make zinc fertilizers; and
- 2. Product specifications for contaminants in zinc fertilizers made from hazardous wastes.
- The conditions of the exclusion apply to generators, intermediate handlers and zinc fertilizer manufacturers. Generators and intermediate handlers of hazardous wastes destined for use in zinc fertilizers are subject to requirements pertaining to the following: one-time notification, storage, recordkeeping, notification of receiving facility and speculative accumulation. Manufacturers are subject to storage, one-time notification, recordkeeping, and annual reporting requirements.

In addition, manufacturers of zinc fertilizers made from hazardous wastes must ensure that the product meets the contaminant limits for arsenic, cadmium, chromium, lead, mercury and dioxin given in the rule.

What does this mean to the regulated community?

The conditional exclusion for hazardous wastes used to produce zinc fertilizers reduces the regulatory burden on generators, intermediate handling facilities and fertilizer manufacturers managing these materials. Under the exclusion, intermediate facilities and manufacturers will not need to obtain a hazardous waste permit in order to accept and manage these materials destined for use in zinc fertilizers. Also, the storage and recordkeeping requirements under the exclusion are less stringent as compared to the hazardous waste rules.

The exclusion for the zinc fertilizer product requires that the level of contaminants in the fertilizer meet specified limits for certain contaminants. This standard is more stringent than the previous requirement and interpretation where zinc fertilizer made with listed or characteristic hazardous wastes did not need to meet contaminant limits. Zinc fertilizer manufacturers will now need to test their products to ensure compliance with the contaminant standards of this exclusion.

What does this mean to DHWM and/or Ohio EPA?

The exclusions, in of themselves, do not increase or decrease the universe of persons subject to regulation under the hazardous waste rules. However, it does change the requirements applicable to persons who recycle hazardous wastes in zinc fertilizers. The most significant impact these exclusions will have on DHWM resources will be in the area of staff training. Inspectors will need to be trained on the specifics of the exclusions and how to evaluate a facility's compliance with the conditions of the exclusions.

When are the rule changes effective in Ohio?

The exclusions are less stringent than Ohio EPA's current hazardous waste program. Therefore, U.S. EPA does not require us to adopt these rules in order to maintain our authorization. The exclusions are not effective in Ohio until we adopt

them.

Federal Register Link:

<http://www.epa.gov/epaoswer/hazwaste/recycle/fertiliz/fert-fr.pdf>

Federal Guidance Document:

http://www.epa.gov/epaoswer/hazwaste/recycle/fertiliz/fert_fs.pdf

Other Support Materials:

<http://www.epa.gov/epaoswer/hazwaste/recycle/fertiliz/index.htm>