

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 261**

[FRL-7475-5]

RIN 2050-AE84

Revision of Wastewater Treatment Exemptions for Hazardous Waste Mixtures ("Headworks Exemptions")**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Proposed rule.

SUMMARY: The Environmental Protection Agency is proposing in today's action to add benzene and 2-ethoxyethanol to the list of solvents whose mixtures with wastewater are exempted from the definition of hazardous waste under the Resource Conservation and Recovery Act (RCRA). The Agency studied two other solvents, 1,1,2-trichloroethane and 2-nitropropane, and is not proposing at this time to add them to the current exemption.

Besides adding the two solvents to the exemption, the Agency is proposing to provide flexibility in the way compliance with the rule is determined by adding the option of directly measuring solvent chemical levels at the headworks of the wastewater treatment

system to the current requirements. Finally, the Agency also is proposing to make additional listed hazardous wastes (beyond discarded commercial chemical products) eligible for the *de minimis* exemption, as well as adding non-manufacturing facilities to those that qualify for this exemption if certain conditions are met.

The Agency is requesting comments on these and other potential exemptions involving wastes managed in a wastewater system regulated under the Clean Water Act (CWA).

The Agency is not proposing any changes or seeking comment on any other provisions of the so-called "headworks rule," not specifically identified in this notice as subject to possible amendment. Nor will the Agency respond to any comments addressing any provisions of the headworks rule not specifically identified in this notice as subject to possible amendment.

DATES: To make sure we consider your comments on revisions to the wastewater treatment exemptions to hazardous waste mixtures, they must be postmarked by June 9, 2003.

ADDRESSES: Comments may be submitted electronically, or through hand delivery/courier or by mail. Send

an original and two copies of your comments to: RCRA Docket Information Center, Office of Solid Waste, Environmental Protection Agency, Mailcode: 5305W, 1200 Pennsylvania Ave., NW., Washington, DC 20460, Attention Docket ID No. RCRA-2002-0028. Follow the detailed instructions as provided in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: For general information, contact the RCRA Call Center at 800-424-9346 or TDD 800-553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call 703-412-9810 or TDD 703-412-3323. For more detailed information on specific aspects of this rulemaking, contact Ron Josephson, phone 703-308-0442; e-mail: josephson.ron@epa.gov, or Laura Burrell, phone 703-308-0005, e-mail: burrell.laura@epa.gov.

SUPPLEMENTARY INFORMATION:**General Information**

Entities potentially affected by this action are generators of industrial hazardous waste, and entities that treat, store, transport and/or dispose of these wastes. This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action.

LIST OF POTENTIALLY AFFECTED U.S. INDUSTRIAL ENTITIES

Item	Economic Subsector or Industry Identity		Description
	SIC code	NAICS code	
1	02	112	Agricultural production—livestock
2	20	311	Food & kindred products
3	22	313	Textile mill products
4	24	321	Lumber & wood products
5	25	337	Furniture & fixtures
6	26	322	Paper & allied products
7	28	325	Chemicals & allied products
8	29	324	Petroleum & coal products
9	30	326	Rubber & miscellaneous plastics products
10	31	316	Leather & leather products
11	32	327	Stove, clay, glass & concrete products
12	33	331	Primary metal industries
13	34	332	Fabricated metal products
14	35	333	Industrial machinery & equipment
15	36	334, 335	Electrical & electronic equipment
16	37	336	Transportation equipment
17	38	3333, 3345	Instruments & related products
18	42	493	Motor freight transportation & warehousing
19	4581	48819, 56172	Airports, flying fields, & airport terminal services
20	4789	488999	Transportation services nec
21	49	221	Electric, gas, & sanitary services
22	50	421	Wholesale trade—durable goods
23	51	422	Wholesale trade—nondurable goods
24	5999	453998	Miscellaneous retail
25	721	8123	Dry-cleaning & industrial laundry services
26	73	514, 532, 541, 561	Business services
27	80	621, 622, 623	Health services
28	87	712	Engineering & management services