

TABLE 5.—DELISTING AND RISK LEVELS CALCULATED BY DRAS WITH EPACMTP MODEL FOR BEKAERT'S PETITIONED WASTE BASED ON MCL/LIMITING PATHWAY, DETECTION LEVEL, AND PERFORMANCE DEMONSTRATED CONCENTRATIONS FROM F006 TESTING

Constituent	Delisting Level (mg/l TCLP)	DAF	DRAS-Calculated Risk for Maximum Concentration of Carcinogen in Waste	DRAS-Calculated Hazard Quotient for Maximum Concentration of Non-Carcinogen in Waste
Inorganic Constituents				
Antimony	0.60	34.3	.....	2.60×10^{-1}
Arsenic	<0.20	19.2	2.39×10^{-5}	1.04×10^{-1}
Barium	50	27.8	.....	1.53×10^{-1}
Cadmium	0.50	30.0	3.45×10^{-12}	1.98×10^{-1}
Chromium	1.0	3850	.....	1.03×10^{-6}
Copper	100	7010	.....	2.12×10^{-3}
Cyanide	<0.005	18	.....	4.13×10^{-5}
Lead	<0.10	5000	.....	.....
Nickel	10	37.6	.....	7.90×10^{-2}
Selenium	<0.20	11.6	.....	1.03×10^{-2}
Silver	1	20.5	.....	5.82×10^{-2}
Mercury	<0.005	74.5	.....	3.95×10^{-2}
Zinc	125	24.9	.....	9.95×10^{-2}
Total Hazard Quotient for All Waste Constituents .....	.....	.....	.....	1.00
Total Carcinogenic Risk for the Waste (due to Arsenic, and Cadmium, which were non-detect in the waste.) .....	.....	.....	2.39×10^{-5}	.....

The Safe Drinking Water Act standard for copper is a recommended secondary standard, rather than an enforceable MCL.

EPA proposes to use the delisting levels in the TCLP leachate calculated by the DRAS, using the EPACMTP (Table 5) as well as the performance levels demonstrated during the F006 testing. These delisting levels are summarized in Table 6, below.

TABLE 6.—SUMMARY OF DELISTING LEVELS FOR BEKAERT'S PETITIONED WASTE

Constituent	Delisting level (mg/l TCLP)
Antimony	0.60
Arsenic	<0.20
Barium	50.0
Cadmium	0.50
Chromium	1.0
Copper	100
Cyanide	<0.005
Lead	<0.10
Nickel	10.0
Selenium	<0.20
Silver	1.0
Mercury	<0.005
Zinc	125

C. Conclusion

After reviewing Bekaert's processes, the EPA concludes that (1) no hazardous constituents of concern are likely to be present in Bekaert's waste at levels that would harm human health and the environment; and (2) the petitioned waste does not exhibit any of the

characteristics of ignitability, corrosivity, or reactivity. See 40 CFR 261.21, 261.22, and 261.23, respectively.

EPA believes that Bekaert's petitioned waste will not harm human health and the environment when disposed in a nonhazardous waste landfill if the delisting levels for land disposal as proposed in Preamble section II.B. are met.

EPA is finalizing its decision to exclude Bekaert's petitioned waste from being listed as F006, based on descriptions of waste management and waste history, evaluation of the results of waste sample analysis, and on the requirement that Bekaert's petitioned waste must meet proposed delisting levels before disposal. Thus, EPA's decision is based on verification testing conditions. When the rule becomes effective, the exclusion will be valid only if the petitioner demonstrates that the petitioned waste meets the verification testing conditions and delisting levels in the amended Table 1 of Appendix IX of 40 CFR part 261. When the rule becomes final and EPA approves that demonstration, the petitioned waste would not be subject to regulation under 40 CFR parts 262 through 268 and the permitting standards of 40 CFR part 270. Although management of the waste covered by this petition would, upon final promulgation, be relieved from Subtitle

C jurisdiction, the waste would remain a solid waste under RCRA. As such, the waste must be handled in accordance with all applicable Federal, State, and local solid waste management regulations. Pursuant to RCRA section 3007, EPA may also sample and analyze the waste to determine if delisting conditions are met.

III. Limited Effect of Federal Exclusion

Will this Rule Apply in All States?

This Direct Final Rule, if promulgated, would be issued under the Federal (RCRA) delisting program. States, however, are allowed to impose their own, non-RCRA regulatory requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. These more stringent requirements may include a provision which prohibits a Federally issued exclusion from taking effect in the States. Because a petitioner's waste may be regulated under a dual system (*i.e.*, both Federal and State programs), petitioners are urged to contact State regulatory authorities to determine the current status of their wastes under the State laws. Furthermore, some States are authorized to administer a delisting program in lieu of the Federal program, *i.e.*, to make their own delisting decisions. Therefore, this exclusion, if promulgated, would not apply in those authorized States. If the petitioned