

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		<p>(1) Delisting Levels: All leachable concentrations for those constituents listed below in (i) and (ii) must not exceed the following levels (mg/l). The petitioner must use an acceptable leaching method, for example SW 846, Method 1311 to measure constituents in the waste leachate. Dewatered WWTP sludge (i) Inorganic Constituents Antimony 0.60; Arsenic <0.20; Barium 50; Chromium 1.0; Copper 100; Lead <0.10; Nickel 10.0; Selenium <0.20; Silver 1.0; Zinc 125; and mercury <0.005.</p> <p>(2) Waste Holding and Handling:</p> <p>(A) Bekaert must store the dewatered WWTP sludge as described in its RCRA permit, or continue to dispose of as hazardous all dewatered WWTP sludge generated, until they have completed verification testing described in Paragraph (3)(A) and (B), as appropriate, and valid analyses show that paragraph (1) is satisfied.</p> <p>(B) Levels of constituents measured in the samples of the dewatered WWTP sludge that do not exceed the levels set forth in Paragraph (1) are non-hazardous. Bekaert can manage and dispose the nonhazardous dewatered WWTP.</p> <p>(A) Initial Verification Testing: After EPA grants the final exclusion, Bekaert must do the following:</p> <p>(i) Collect and analyze composites of the dewatered WWTP sludge.</p> <p>(ii) Make two composites of representative grab samples (according to SW 846 methodologies) collected.</p> <p>(iii) Analyze the waste, before disposal, for all of the constituents listed in Paragraph 1.</p> <p>(iv) Sixty (60) days after this exclusion becomes final, report to EPA the operational and analytical test data, including quality control information.</p> <p>(B) Subsequent Verification Testing: Following written notification by EPA, Bekaert may substitute the testing conditions in (3)(B) for (3)(A). Bekaert must continue to monitor operating conditions, and analyze representative samples (according to SW 846 methodologies) each quarter of operation during the first year of waste generation. The samples must represent the waste generated during the quarter.</p> <p>(4) Changes in Operating Conditions: If Bekaert significantly changes the process described in its petition or starts any processes that generate(s) the waste that may or could affect the composition or type of waste generated as established under Paragraph (1) (by illustration, but not limitation, changes in equipment or operating conditions of the treatment process), they must notify EPA in writing; they may no longer handle the waste generated from the new process as nonhazardous until the waste meets the delisting levels set in Paragraph (1) and they have received written approval to do so from EPA.</p> <p>(5) Data Submittals: Bekaert must submit the information described below. If Bekaert fails to submit the required data within the specified time or maintain the required records on-site for the specified time, EPA, at its discretion, will consider this sufficient basis to reopen the exclusion as described in Paragraph 6. Bekaert must:</p> <p>(A) Submit the data obtained through Paragraph 3 to the Region 4 RCRA Enforcement & Compliance, U.S. EPA, 61 Forsyth St SW, Atlanta, Georgia 30303 8909, within the time specified.</p> <p>(B) Compile records of operating conditions and analytical data from Paragraph (3), summarized, and maintained on-site for a minimum of five years.</p> <p>(C) Furnish these records and data when EPA or the State of Tennessee request them for inspection.</p> <p>(D) A company official having supervisory responsibility should send along with all data a signed copy of the following certification statement, to attest to the truth and accuracy of the data submitted: Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained in or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. If any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's reliance on the void exclusion.</p> <p>(6) Reopener</p> <p>(A) If, anytime after disposal of the delisted waste, Bekaert possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified for the delisting verification testing is at a level higher than the delisting level allowed by the Regional Administrator or his delegate in granting the petition, then the facility must report the data, in writing, to the Regional Administrator or his delegate within 10 days of first possessing or being made aware of that data.</p>