

disposing of listed hazardous waste. See § 261.3(a)(2)(iii) and (iv) and (c)(2)(i), called the “mixture” and “derived-from” rules, respectively. These wastes are also eligible for exclusion and remain hazardous wastes until excluded. See 66 FR 27266 (May 16, 2001).

III. The EPA’s Evaluation of the Waste Information and Data

A. What Waste Did Teris Petition the EPA To Delist?

On June 3, 2002, Teris petitioned the EPA to exclude from the lists of hazardous waste contained in §§ 261.31 and 261.32, a stabilized hazardous waste incinerator ash generated from the facility located in El Dorado, Arkansas. The waste falls under the classification of listed waste because of the “derived-from” rule in § 261.3. Specifically, in its petition, Teris requested that the EPA grant an exclusion for 30,000 cubic yards per calendar year of stabilized incinerator ash resulting from its hazardous waste thermal treatment process.

B. Who Is Teris and What Process Do They Use To Generate the Petition Waste?

Teris is a commercial hazardous waste treatment and storage facility located in an industrial/commercial setting in the southern portion of the City of El Dorado, Union County, Arkansas. The facility is located east of El Dorado, Arkansas.

Teris thermally treats hazardous wastes (including listed hazardous wastes) that are generated at commercial and industrial facilities throughout the nation. The facility operates two rotary kilns that are used to destroy and remove the hazardous organic constituents found in the waste. These two kilns generate a solid residue (*i.e.*, incinerator ash) in which most of the organic constituents have been destroyed. The incinerator meets the 99.99% Destruction and Removal Efficiency requirement under 40 CFR part 264. This incinerator ash contains trace amounts of regulated metallic constituents that are not destroyed by the incineration process. Teris operates a stabilization treatment system for the incinerator ash that chemically binds the metals so as to prevent their release into groundwater.

C. How Did Teris Sample and Analyze the Data in This Petition?

To support its petition, Teris submitted:

(1) Historical information on past waste generation and management practices;

(2) results of the total constituent analysis for volatiles, semivolatiles, pesticides, herbicides and metals;

(3) results of the Toxicity Characteristic Leaching Procedure (TCLP) extract for those organics detected in the above total constituent analysis;

(4) results of the Multiple pH Protocol Procedure for metal constituents;

(5) results of both total constituent and leachable analysis for total cyanide and sulfide.

D. What Were the Results of Teris’ Analyses?

The EPA believes that the descriptions of the Teris analytical characterization provide a reasonable basis to approve the petition of Teris for an exclusion of the hazardous waste incinerator ash. The EPA believes the data submitted in support of the petition show that the stabilized hazardous waste incinerator ash is nonhazardous. Analytical data for the stabilized hazardous waste incinerator ash samples were used in the Delisting Risk Assessment Software. The data summaries for detected constituents are presented in Table I. The EPA has reviewed the sampling procedures used by Teris and has determined they satisfy the EPA’s criteria for collecting representative samples of the variations in constituent concentrations in the hazardous waste incinerator ash. The data submitted in support of the petition show that constituents in Teris’ waste are presently below health-based levels used in the delisting decision-making. The EPA believes that Teris has successfully demonstrated that the stabilized hazardous waste incinerator ash is nonhazardous.

TABLE 1.—MAXIMUM TCLP CONSTITUENT CONCENTRATIONS OF THE STABILIZED HAZARDOUS INCINERATOR ASH AND CORRESPONDING DELISTING LIMITS ¹

Constituent	Total constituent analyses (mg/kg)	TCLP leachate conc. (mg/l)	Maximum allowable TCLP conc. (mg/l)
Antimony	1400.00	0.206	0.206
Arsenic	537.00	0.0395	0.096
Barium	4500.00	1.40	21.00
Beryllium	2.17	0.004	0.416
Cadmium	49.60	0.0062	0.11
Chromium	1560.00	0.036	0.60
Cobalt	1140.00	0.078	13.14
Copper	12800.00	0.0243	9113.00
Lead	772.00	0.12	0.69
Mercury	0.15	0.00126	0.025
Nickel	5190.00	0.11	3.98
Selenium	497.00	0.285	0.58
Silver	212.00	0.007	0.14
Tin	1760.00	0.48	396.00
Thallium	1.75	0.0012	0.088
Vanadium	370.00	0.49	1.60
Zinc	10300.00	0.0152	2.61
Acenaphthylene	2.0	ND	0.059
Acetone	0.052	ND	0.059
Acetophenone	1.80	ND	0.01
Aniline	0.72	ND	0.81
Anthracene	1.90	ND	0.059
Benzene	0.21	ND	0.14
Benzo(a)pyrene	0.70	ND	0.0018
Benzo(ghi)perylene	0.67	ND	0.0036