

Stanley F. Mires,
Chief Counsel, Legislative.
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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[SW-FRL-5673-9]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Amendment

AGENCY: Environmental Protection Agency.

ACTION: Final rule amendment.

SUMMARY: The Environmental Protection Agency (EPA or the Agency) is amending 40 CFR Part 261, Appendix IX to reflect changes in ownership and name for Envirite Corporation (Petitioner) in Canton, Ohio; Harvey, Illinois and York, Pennsylvania. Today's final rule amendment documents these changes.

EFFECTIVE DATE: December 31, 1996.

FOR FURTHER INFORMATION CONTACT: RCRA Hotline, toll free at 1-800-424-9346.

For technical information on this action as it applies to the Canton, Ohio and Harvey, Illinois facilities, contact Ms. Judy Kleiman, Waste Management Branch, Waste Pesticides and Toxics Division, U.S. Environmental Protection Agency Region 5, 77 W. Jackson Blvd; Chicago, IL 60604, 312-886-1482. For technical information on this action as it applies to the York, Pennsylvania facility, contact Mr. David M. Friedman, Technical and Program Support Branch, Hazardous Waste Management Division,

U.S. Environmental Protection Agency Region 3, 841 Chestnut Street, Philadelphia, PA 19107, 215-566-3395.

SUPPLEMENTARY INFORMATION: In this document EPA is amending Appendix IX to Part 261 to reflect changes in the ownership and name for certain facilities. The petition process under §§260.20 and 260.22 allows facilities to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste. Based on waste specific information provided by the Petitioner, EPA granted a final exclusion to Envirite Corporation for its facilities in Canton, Ohio; Harvey, Illinois and York, Pennsylvania on November 14, 1986 (51 FR 41324). On December 9, 1996, Envirite Corp. notified Regions 3 and 5 that on December 31, 1996, ownership of the Envirite Corporation facility in Canton, Ohio will be transferred to Envirite of Ohio, Inc., ownership of the Envirite Corporation facility in Harvey, Illinois will be transferred to Envirite of Illinois, Inc., and ownership of the Envirite Corporation facility in York, Pennsylvania will be transferred to Envirite of Pennsylvania, Inc.

Envirite Corporation further noted that no changes would be made in the management of EPA Hazardous Wastes F006-F009, F011, F012, F019, K002-K008 and K062 for which EPA granted exclusions pursuant to 40 CFR 260.20 and 260.22, and that all conditions of the exclusions would continue to be met at each of the Petitioner's affected facilities. Today's notice documents the transfer of ownership and name change by updating Appendix IX to incorporate the change in owner's name for each facility affected by such exclusions.

This change to 40 CFR Part 261, Appendix IX shall be effective

December 31, 1996. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six month period to come into compliance. As described above, the change in ownership will not affect the facilities' operations. Therefore, a six month delay in the effective date is not necessary in this case. This provides a basis for making these amendments effective immediately under the Administrative Procedures Act, pursuant to 5 U.S.C. 5531(d).

List of Subjects in 40 CFR Part 261

Environmental Protection Hazardous waste, Recycling, and Reporting and recordkeeping requirements.

Dated: December 24, 1996.
 Valdas Adamkus,
Regional Administrator, Region 5.

For reasons set out in this preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. 40 CFR Part 261, Appendix IX, Tables 1 and 2 are amended by removing the entries for Envirite Corporation and by adding, in alphabetical order, the entries for Envirite of Illinois, Envirite of Ohio and Envirite of Pennsylvania to read as follows:

Appendix IX to Part 261—Wastes Excluded Under §§260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
* Envirite of Illinois (formerly Envirite Corporation).	* Harvey, Illinois	* See waste description under Envirite of Pennsylvania.
* Envirite of Ohio (formerly Envirite Corporation).	* Canton, Ohio	* See waste description under Envirite of Pennsylvania.

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

Facility	Address	Waste description
Envirite of Pennsylvania (formerly Envirite Corporation).	York, Pennsylvania	<p>Dewatered wastewater sludges (EPA Hazardous Waste No. F006) generated from electroplating operations; spent cyanide plating solutions (EPA Hazardous Waste No. F007) generated from electroplating operations; plating bath residues from the bottom of plating baths (EPA Hazardous Waste No. F008) generated from electroplating operations where cyanides are used in the process; spent stripping and cleaning bath solutions (EPA Hazardous Waste No. F009) generated from electroplating operations where cyanides are used in the process; spent cyanide solutions from salt bath pot cleaning (EPA Hazardous Waste No. F011) generated from metal heat treating operations; quenching wastewater treatment sludges (EPA Hazardous Waste No. F012) generated from metal heat treating where cyanides are used in the process; wastewater treatment sludges (EPA Hazardous Waste No. F019) generated from the chemical conversion coating of aluminum after November 14, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned waste. This testing program must meet the following conditions for the exclusions to be valid:</p> <ol style="list-style-type: none"> (1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm; the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 76.8 ppm, 1,2-diphenyl hydrazine exceeds 0.001 ppm, methylene chloride exceeds 8.18 ppm, methyl ethyl ketone exceeds 326 ppm, n-nitrosodiphenylamine exceeds 11.9 ppm, phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.188 ppm, or trichloroethylene exceeds 0.592 ppm, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed in #3, above, as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.) (5) The data from conditions 1–4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail semi-annually. The Agency will review this information and if needed will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4, above, are not required until six months from the date of promulgation. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at these facilities applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.
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TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES

Facility	Address	Waste description
Envirite of Illinois (formerly Envirite Corporation).	Harvey, Illinois	See waste description under Envirite of Pennsylvania.
Envirite of Ohio (formerly Envirite Corporation).	Canton, Ohio	See waste description under Envirite of Pennsylvania.

TABLE 2.—WASTES EXCLUDED FROM SPECIFIC SOURCES—Continued

Facility	Address	Waste description
Envirite of Pennsylvania (formerly Envirite Corporation).	York, Pennsylvania	<p>Spent pickle liquor (EPA Hazardous Waste No. K062) generated from steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332); wastewater treatment sludge (EPA Hazardous Waste No. K002) generated from the production of chrome yellow and orange pigments; wastewater treatment sludge (EPA Hazardous Waste No. K003) generated from the production of molybdate orange pigments; wastewater treatment sludge (EPA Hazardous Waste No. K004) generated from the production of zinc yellow pigments; wastewater treatment sludge (EPA Hazardous Waste K005) generated from the production of chrome green pigments; wastewater treatment sludge (EPA Hazardous Waste No. K006) generated from the production of chrome oxide green pigments (anhydrous and hydrated); wastewater treatment sludge (EPA Hazardous Waste No. K007) generated from the production of iron blue pigments; oven residues (EPA Hazardous Waste No. K008) generated from the production of chrome oxide green pigments after November 14, 1986. To ensure that hazardous constituents are not present in the waste at levels of regulatory concern, the facility must implement a contingency testing program for the petitioned wastes. This testing program must meet the following conditions for the exclusions to be valid:</p> <ol style="list-style-type: none"> (1) Each batch of treatment residue must be representatively sampled and tested using the EP Toxicity test for arsenic, barium, cadmium, chromium, lead, selenium, silver, mercury, and nickel. If the extract concentrations for chromium, lead, arsenic, and silver exceed 0.315 ppm; barium levels exceed 6.3 ppm; cadmium and selenium exceed 0.063 ppm; mercury exceeds 0.0126 ppm; or nickel levels exceed 2.205 ppm, the waste must be retreated or managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (2) Each batch of treatment residue must be tested for reactive and leachable cyanide. If the reactive cyanide levels exceed 250 ppm; or leachable cyanide levels (using the EP Toxicity test without acetic acid adjustment) exceed 1.26 ppm, the waste must be re-treated or managed and disposed as hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR 270. (3) Each batch of waste must be tested for the total content of specific organic toxicants. If the total content of anthracene exceeds 76.8 ppm, 1,2-diphenyl hydrazine exceeds 0.001 ppm, methylene chloride exceeds 8.18 ppm, methyl ethyl ketone exceeds 326 ppm, n-nitrosodiphenylamine exceeds 11.9 ppm, phenol exceeds 1,566 ppm, tetrachloroethylene exceeds 0.188 ppm, or trichloroethylene exceeds 0.592 ppm, the waste must be managed and disposed as a hazardous waste under 40 CFR Parts 262 to 265 and the permitting standards of 40 CFR Part 270. (4) A grab sample must be collected from each batch to form one monthly composite sample which must be tested using GC/MS analysis for the compounds listed in #3, above, as well as the remaining organics on the priority pollutant list. (See 47 FR 52309, November 19, 1982, for a list of the priority pollutants.) (5) The data from conditions 1–4 must be kept on file at the facility for inspection purposes and must be compiled, summarized, and submitted to the Administrator by certified mail semi-annually. The Agency will review this information and if needed will propose to modify or withdraw the exclusion. The organics testing described in conditions 3 and 4, above, is not required until six months from the date of promulgation. The Agency's decision to conditionally exclude the treatment residue generated from the wastewater treatment systems at these facilities applies only to the wastewater and solids treatment systems as they presently exist as described in the delisting petition. The exclusion does not apply to the proposed process additions described in the petition as recovery, including crystallization, electrolytic metals recovery, evaporative recovery, and ion exchange.
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[FR Doc. 97-436 Filed 1-10-97; 8:45 am]

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40 CFR Part 435

[FRL-5673-8]

RIN 2040-AB72

Final Effluent Limitations Guidelines and Standards for the Coastal Subcategory of the Oil and Gas Extraction Point Source Category; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; correction.

SUMMARY: EPA is correcting minor errors in the preamble and effluent limitations guidelines and standards for the coastal subcategory of the oil and gas extraction point source category, which appeared in the Federal Register on December 16, 1996 (61 FR 66086).

EFFECTIVE DATE: these corrections shall become effective January 15, 1997, except for § 435.45 (NSPS), which becomes effective January 13, 1997.

FOR FURTHER INFORMATION CONTACT: Charles E. White, Office of Water, Engineering and Analysis Division (4303), U.S. Environmental Protection Agency, 401 M Street, SW, Washington, DC, 20460, (202) 260-5411, White.Chuck@EPAMail.EPA.Gov.

SUPPLEMENTARY INFORMATION: In a final rule published December 16, 1996 (61 FR 66086), EPA established final effluent limitations guidelines and standards for the control of wastewater pollutants. The final rule contained some minor errors that are discussed briefly below and are corrected by this document. The effective dates and date of issuance for purposes of judicial review are stated in the December 16, 1996 final rule.

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a "significant regulatory action" and, is therefore not subject to review by the Office of Management and Budget. In addition, this action does not impose any enforceable duty or contain any unfunded mandate as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104-4), or require prior consultation with State officials as specified by Executive Order 12875 (58 FR 58093, October 28, 1993), or involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994).

Because this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Under 5 U.S.C. 801(a)(1)(A) as added by the Small Business Regulatory Enforcement Fairness Act of 1996, EPA submitted a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives and the Comptroller General of the General Accounting Office prior to publication of this rule in today's Federal Register. This rule is not a "major rule" as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 435

Environmental protection, Incorporation by reference, Oil and gas extraction, Pollution prevention, Waste treatment and disposal, Water pollution control.

Dated: December 27, 1996.

Robert Perciasepe,

Assistant Administrator for Water.

The following corrections are made in FRL-5648-4, Final Effluent Limitations Guidelines and Standards for the

Coastal Subcategory of the Oil and Gas Extraction Point Source Category, which was published in the Federal Register on December 16, 1996 (61 FR 66086).

1. On page 66111, columns two, line 24, the reference to "Table 10 is corrected to read "Table 11".

2. and 3. On page 66111, column two and three, the second Table 10 is correctly designated as Table 11.

4. On page 66111, column three, line 4 of Paragraph B, the reference to "Table 11" is corrected to read "Table 12".

5. On page 66112, column one, the Table 11 is correctly designated as Table 12.

6. On page 66113, the Table is correctly designated as Table 13.

7. On page 66113, column three, line 13, the reference to "Table 12" is corrected to read "Table 13".

§ 435.41 [Amended]

8. § 435.41 on page 66127, column one, line 24, the second paragraph (y) is correctly designated (z).

9. § 435.41 on page 66127, paragraph (z) is correctly designated (aa).

10. § 435.41 on page 66127, paragraph (aa) is correctly designated (bb).

11. § 435.41 on page 66127, paragraph (bb) is correctly designated (cc).

12. § 435.41 on page 66127, paragraph (cc) is correctly designated (dd).

13. § 435.41 on page 66127, paragraph (dd) is correctly designated (ee).

14. § 435.41 on page 66127, paragraph (ee) is correctly designated (ff).

15. and 16. On page 66128, § 435.43 includes a table of BAT effluent limitations. The table is corrected to read as follows:

§ 435.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable (BAT).

* * * * *

BAT EFFLUENT LIMITATIONS

Stream	Pollutant parameter	BAT effluent limitations
Produced Water:		
(A) All coastal areas except Cook Inlet	No discharge.
(B) Cook Inlet	Oil & Grease	The maximum for any one day shall not exceed 42 mg/l, and the 30-day average shall not exceed 29 mg/l.
Drilling Fluids, Drill Cuttings, and Dewatering Effluent: ¹		
(A) All coastal areas except Cook Inlet	No discharge.
(B) Cook Inlet	Free Oil ²	No discharge.
	Diesel Oil	No discharge.
	Mercury	1 mg/kg dry weight maximum in the stock barite.
	Cadmium	3 mg/kg dry weight maximum in the stock barite.
	Toxicity	Minimum 96-hour LC50 of the SPP shall be 3 percent by volume. ⁴
Well Treatment, Workover and Completion Fluids:		
(A) All coastal areas except Cook Inlet	No discharge.
(B) Cook Inlet	Oil & Grease	The maximum for any one day shall not exceed 42 mg/l, and the 30-day average shall not exceed 29 mg/l.