CHAPTER 261a. IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

Authority

The provisions of this Chapter 261a issued under sections 105, 401—403 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.401—6018.403 and 6018.501); sections 105, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.105, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20); amended under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); sections 5(b) and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b) and 691.402); section 302 of the Municipal Waste Planning Recycling and Waste Reduction Act (53 P. S. § 4000.302); section 480(e) of the Pennsylvania Used Oil Recycling Act (58 P. S. § 480(e)); and sections 1905-A, 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-5, 510-17 and 510-20); amended under section 207(a) of the Small Business and Household Pollution Prevention Program Act (35 P. S. § 6029.207(a)); section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); section 4(a) of the Household Hazardous Waste Funding Act (35 P. S. § 6025.4(a)); sections 5(b), 304 and 402 of The Clean Streams Law (35 P. S. §§ 691.5(b), 691.304 and 691.402); section 302 of the Municipal Waste Planning, Recycling and Waste Reduction Act (53 P. S. § 4000.302); and sections 1917-A and 1920-A of The Administrative Code of 1929 (71 P. S. §§ 510-17 and 510-20), unless otherwise noted.

Source

The provisions of this Chapter 261a adopted April 30, 1999, effective May 1, 1999, 29 Pa.B. 2367, unless otherwise noted.

Cross References

This chapter cited in 25 Pa. Code § 245.437 (relating to periodic testing); 25 Pa. Code § 252.3 (relating to scope); 25 Pa. Code § 264a.1 (relating to incorporation by reference, purpose, scope and reference); 25 Pa. Code § 265a.1 (relating to incorporation by reference, purpose, scope and applicability); 25 Pa. Code § 266b.2 (relating to applicability—mercury-containing devices); 25 Pa. Code § 287.1 (relating to definitions); 25 Pa. Code § 287.54 (relating to chemical analysis of waste); 25 Pa. Code § 287.102 (relating to permit by rule); 25 Pa. Code § 287.132 (relating to chemical analysis of waste); 25 Pa. Code § 298.10 (relating to applicability); 25 Pa. Code § 298.54 (relating to waste oil management); and 25 Pa. Code § 298.55 (relating to analysis plan).

Subchapter A. GENERAL

Sec.

§ 261a.1. Incorporation by reference, purpose and scope.

Except as expressly provided in this chapter, 40 CFR Part 261 and its appendices (relating to identification and listing of hazardous waste) are incorporated by reference. The substitution of terms in § 260a.3(a)(1) (relating to terminology and citations related to Federal regulations) does not apply to 40 CFR 261.4(f)(1), 261.10 and 261.11 (relating to notification of treatability studies; criteria for identifying the characteristics of hazardous waste; and criteria for listing hazardous waste). The substitution of terms in § 260a.3(a)(3) does not apply to Appendix IX (relating to wastes excluded under §§ 260.20 and 260.22) of the CFR.

Cross References

This section cited in 25 Pa. Code § 271.1 (relating to definitions); 25 Pa. Code § 272.501 (relating to scope); 25 Pa. Code § 287.1 (relating to definitions); 25 Pa. Code § 287.8 (relating to coproduct determinations); 25 Pa. Code § 287.54 (relating to chemical analysis of waste); 25 Pa. Code § 287.132 (relating to chemical analysis of waste); 25 Pa. Code § 298.10 (relating to applicability); 25 Pa. Code § 298.40 (relating to applicability); 25 Pa. Code § 298.44 (relating to rebuttable presumption for waste oil and flash point screening); 25 Pa. Code § 298.53 (relating to rebuttable presumption for waste oil and flash point screening); and 25 Pa. Code § 298.63 (relating to rebuttable presumption for waste oil).

§ 261a.2. Definition of "solid waste."

Materials that are excluded from the definition of "solid waste" in 40 CFR 261.2(c)—(e) (relating to the definition of "solid waste") shall be managed in accordance with Chapters 287—299 (relating to residual waste management).

Source

The provisions of this § 261a.2 adopted June 1, 2001, effective June 2, 2001, 31 Pa.B. 2873.

§ 261a.3. Definition of "hazardous waste."

(a) 40 CFR 261.3(c)(2)(ii)(C) (relating to certain non-wastewater residues such as slag resulting from HTMR processing of K061, K062 or F006 waste) is not incorporated by reference.

(b) In addition to the requirements incorporated by reference, except when the waste is contaminated media subject to remediation, when it is not promptly possible to determine if a material will be a hazardous waste, the material shall be managed as a hazardous waste until the determination is made that indicates it is not a hazardous waste.

Source

The provisions of this § 261a.3 amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102. Immediately preceding text appears at serial page (284428).

§ 261a.4. Exclusions.

In addition to the requirements incorporated by reference:

(1) The exclusion in 40 CFR 261.4(b)(1) (relating to exclusions) does not apply to household hazardous waste as defined in § 271.1 (relating to definitions) if the waste is collected as part of a collection event or collected at an out-of-State household hazardous waste collection and brought into this Commonwealth for processing, treatment, storage or disposal.

(2) A copy of the written State agreement required by 40 CFR 261.4(b)(11)(ii) that includes a provision to assess the groundwater and the need for further remediation once the free phase recovery is completed for free phase hydrocarbon recovery operations shall be submitted to: Pennsylvania Department of Environmental Protection, Bureau of Land Recycling and Waste Management, Division of Hazardous Waste Management, Post Office Box 8471, Harrisburg, Pennsylvania 17105-8471.

Source

The provisions of this § 261a.4 amended October 5, 2001, effective October 6, 2001, 31 Pa.B. 5547. Immediately preceding text appears at serial page (280178).

§ 261a.5. [Reserved].

Authority

The provisions of this § 261a.5 reserved under sections 105, 402 and 501 of the Solid Waste Management Act (35 P.S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.303 and 6020.305(e)(2)); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

The provisions of this § 261a.5 amended June 1, 2001, effective June 2, 2001, 31 Pa.B. 2873; amended December 13, 2002, effective December 14, 2002, 32 Pa.B. 6102; reserved July 17, 2020, effective July 18, 2020, 50 Pa.B. 3581. Immediately preceding text appears at serial page (317313).

§ 261a.6. Requirements for recyclable materials.

(a) The reference to "Part 279 of this chapter" in 40 CFR 261.6(a)(4) (relating to requirements for recyclable materials) is replaced with Chapter 298 (relating to management of waste oil).

(b) 40 CFR 261.6(c) is not incorporated by reference.

(c) Instead of 40 CFR 261.6(c), owners and operators of facilities that store or treat recyclable materials are regulated under all applicable and incorporated provisions of 40 CFR Parts 264 and 265, Subparts A—L, AA, BB, CC and DD; 40 CFR Part 264 Subpart X; 40 CFR Parts 266 and 270, except as provided in 40 CFR 261.6(a).

(1) In addition, owners and operators of facilities regulated under this section are subject to the applicable provisions of:

(i) Chapter 264a and Chapter 265a, Subchapters A, B, D, E, G—J and P.

(ii) Chapter 264a, Subchapters X and DD.

(iii) Chapters 266a and 270a.

(2) Recycling processes that are not treatment are exempt from regulation except as provided in 40 CFR 261.6(d).

(3) The sizing, shaping or sorting of recyclable materials will not be considered treatment for purposes of this section.

(d) The requirements of §§ 270a.3, 264a.82, 264a.83, 265a.82 and 265a.83 do not apply to facilities or those portions of facilities that store or treat recyclable materials.

(e) References to § 279.11 in 40 CFR 261.6 are replaced with § 298.11 (relating to waste oil specifications).

Source

The provisions of this § 261a.6 amended June 1, 2001, effective June 2, 2001, 31 Pa.B. 2873. Immediately preceding text appears at serial pages (272702) to (272703).

Cross References

This section cited in 25 Pa. Code § 266a.70 (relating to applicability and requirements); 25 Pa. Code § 266a.80 (relating to applicability and requirements); and 25 Pa. Code § 287.8 (relating to coproduct determinations).

§ 261a.7. Residues of hazardous waste in empty containers.

(a) Hazardous waste removed from either an empty container or an inner liner removed from an empty container, as defined in 40 CFR 261.7(b) (relating to residues of hazardous waste in empty containers), is subject to this chapter and Chapters 262a—265a, 268a and 270a.

(b) For purposes of this section, the term ''containers'' includes tanks.

Cross References

This section cited in 25 Pa. Code § 298.40 (relating to applicability).

§ 261a.8. [Reserved].

Authority

The provisions of this § 261a.8 reserved under sections 105, 402 and 501 of the Solid Waste Management Act (35 P.S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.303 and 6020.305(e)(2)); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

The provisions of this § 261a.8 adopted December 22, 2000, effective December 23, 2000, 30 Pa.B. 6587; amended January 9, 2009, effective January 10, 2009, 39 Pa.B. 201; reserved July 17, 2020, effective July 18, 2020, 50 Pa.B. 3581. Immediately preceding text appears at serial page (351907).

§ 261a.9. Requirements for universal waste.

In addition to the requirements incorporated by reference, oil-based finishes and photographic solutions as defined in § 266b.3 (relating to definitions) are included as wastes subject to regulation under Chapter 266b (relating to universal waste management).

Authority

The provisions of this § 261a.9 issued under sections 105, 402 and 501 of the Solid Waste Management Act (35 P.S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P.S. §§ 6020.303 and 6020.305(e)(2)); and section 1920-A of The Administrative Code of 1929 (71 P.S. § 510-20).

Source

The provisions of this § 261a.9 adopted July 17, 2020, effective July 18, 2020, 50 Pa.B. 3581.

Subchapter D. LISTS OF HAZARDOUS WASTES

Sec.

Authority

The provisions of this Subchapter D issued under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)), unless otherwise noted.

Source

The provisions of this Subchapter D adopted February 10, 2006, effective February 11, 2006, 36 Pa.B. 705, unless otherwise noted.

§ 261a.32. Hazardous wastes from specific sources.

In addition to the requirements for lists of hazardous wastes incorporated by reference in 40 CFR 261.32 (relating to hazardous waste from specific sources), the solid wastes listed in Appendix IXa (relating to wastes excluded under 25 Pa. Code § 260a.20 and 40 CFR 260.20 and 260.22) are excluded under §§ 260a.1 and 260a.20 (relating to incorporation by reference, purpose, scope and applicability; and rulemaking petitions).

§ 261a.39. Conditional exclusion for used, broken cathode ray tubes (CRTS) and processed CRT glass undergoing recycling.

Regarding the requirements incorporated by reference, the substitution of terms in § 260a.3 (relating to terminology and citations related to Federal regulations) does not apply to the incorporation by reference of 40 CFR 261.39(a)(5) (relating to conditional exclusion for used, broken cathode ray tubes (CRTs) and processed CRT glass undergoing recycling).

Authority

The provisions of this § 261a.39 adopted under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501); sections 303 and 305(e)(2) of the Hazardous Sites Cleanup Act (35 P. S. §§ 6020.303 and 6020.305(e)(2)); section 5, 402 and 501 of The Clean Streams Law (35 P. S. §§ 691.5, 691.402 and 691.501); and section 1920-A of The Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this § 261a.39 adopted January 9, 2009, effective January 10, 2009, 39 Pa.B. 201.

APPENDIX IXa. WASTES EXCLUDED UNDER 25 Pa. Code § 260a.20 AND 40 CFR 260.20 AND 260.22.

Table 1a. Wastes Excluded from Nonspecific Sources

Facility	*Address*	*Waste Description*
Waste Management Disposal Systems of Pennsylvania, Inc.	100 New Ford Mill Road, Morrisville, PA 19067	Wastewater treatment sludge filter cake from the treatment of EPA Hazardous Waste No. F039, generated at a maximum annual rate of 4,000 cubic yards, after September 11, 2010, and disposed in an RCRA Subtitle D landfill. The exclusion covers the filter cake resulting from the treatment of hazardous waste leachate derived from only the ''old'' Geological Reclamation Operations and Waste Systems, Inc. (GROWS) landfill and nonhazardous leachate derived from only nonhazardous waste sources. The exclusion does not address the waste disposed in the ''old'' GROWS landfill or the grit generated during the removal of heavy solids from the landfill leachate. To ensure that hazardous constituents are not present in the filter cake at levels of regulatory concern, WMDSPA must implement a testing program for the petitioned waste. This testing program must meet the conditions listed below in order for the exclusion to be valid: (1) *Testing*: Sample collection and analyses, including quality control (QC) procedures, must be performed using appropriate methods. As applicable to the method-defined parameters of concern, analyses requiring the use of SW-846 methods incorporated by reference in 40 CFR 260.11 must be used without substitution. As applicable, the SW-846 methods might include Methods 0010, 0011, 0020, 0023A, 0030, 0031, 0040, 0050, 0051, 0060, 0061, 1010A, 1020B, 1110A, 1310B, 1311, 1312, 1320, 1330A, 9010C, 9012B, 9040C, 9045D, 9060A, 9070A (uses EPA Method 1664, Rev. A), 9071B, and 9095B.

Facility	*Address*	*Waste Description*

(i) *Sample Collection*: Each batch of waste generated over a 4-week period must be collected in containers with a maximum capacity of 20 cubic yards. At the end of the 4-week period, each container must be divided into four quadrants and a single, full-depth core sample shall be collected from each quadrant. All of the full-depth core samples then must be composited under laboratory conditions to produce one representative composite sample for the 4-week period.

(ii) *Sample Analysis*: Each 4-week composite sample must be analyzed for all of the constituents listed in Condition (3). The analytical data, including quality control information, must be submitted to the Pennsylvania Department of Environmental Protection, Bureau of Waste Management, Rachel Carson State Office Building, 400 Market Street, 14th Floor, Harrisburg, PA 17105. Data from the annual verification testing must be compiled and submitted to the Department within 60 days from the end of the calendar year. All data must be accompanied by a signed copy of the statement set forth in 40 CFR 260.22(i)(12) to certify to the truth and accuracy of the data submitted. Records of operating conditions and analytical data must be compiled, summarized, and maintained on-site for a minimum of 3 years and must be furnished upon request by any employee or representative of the Department, and made available for inspection.

(2) *Waste Holding*: The dewatered filter cake must be stored as hazardous until the verification analyses are completed. If the 4-week composite sample does not exceed any of the delisting levels set forth in Condition (3), the filter cake waste corresponding to this sample may be managed and disposed in accordance with all applicable solid waste regulations. If the 4-week composite sample exceeds any of the delisting levels set forth in Condition (3), the filter cake waste generated during the time period corresponding to the 4-week composite sample must be retreated until it meets these levels (analyses must be repeated) or managed and disposed in accordance with Subtitle C of RCRA. Filter cake which is generated but for which analyses are not complete or valid must be managed and disposed in accordance with Subtitle C of RCRA, until valid analyses demonstrate that the waste meets the delisting levels.

Facility	*Address*	*Waste Description*

(3) *Delisting Levels*: If the concentrations in the 4-week composite sample of the filter cake waste for any of the hazardous constituents listed below exceed their respective maximum allowable concentrations (mg/l or mg/kg) also listed below, the 4-week batch of failing filter cake waste must either be retreated until it meets these levels or managed and disposed in accordance with Subtitle C of RCRA. WMDSPA has the option of determining whether the filter cake waste exceeds the maximum allowable concentrations for the organic constituents by either performing the analysis on a TCLP leachate of the waste or performing total constituent analysis on the waste, and then comparing the results to the corresponding maximum allowable concentration level.

(i) Inorganics Maximum Allowable Leachate Conc. (mg/l)

Constituent:

Arsenic 1.83e-01

Barium . . . . . .1.43e+01

Cadmium 1.10e-01

Chromium . . . . . .5.00e+00

Lead . . . . . .5.00e+00

Mercury 1.59e-02

Nickel . . . . . .5.52e+00

Selenium 4.25e-01

Silver 7.50e-01

Cyanide . . . . . .2.64e+00

Cyanide extractions must be conducted using distilled water in place of the leaching media specified in the TCLP procedure.

(ii) Organics	Maximum allowable leachate conc. (mg/l)	Maximum allowable total conc. (mg/kg)
Constituent:		
Acetone	1.39e+01	2.78e+02

Facility	*Address*	*Waste Description*		
		Acetonitrile	3.25e+01	6.50e+02
		Acetophenone	1.39e+01	2.78e+02
		Acrolein	2.60e+02	5.20e+03
		Acrylonitrile	4.76e-03	9.52e-02
		Aldrin	7.72e-06	1.54e-04
		Aniline	9.24e-01	1.85e+01
		Anthracene	4.88e+00	9.76e+01
		Benz(a)anthracene	2.56e-04	5.12e-03
		Benzene	8.86e-02	1.77e+00
		Benzo(a)pyrene	1.57e-05	3.14e-04
		Benzo(b)fluoranthene	1.42e-04	2.84e-03
		Benzo(k)fluoranthene	1.98e-03	3.96e-02
		Bis(2-chloroethyl)ether	1.95e-02	3.90e-01
		Bis(2-ethylhex yl)phthalate	1.19e-01	2.38e+00
		Bromodichloromethane	4.14e-02	8.28e-01
		Bromoform (Tribromomethane)	3.25e-01	6.50e+00
		Butyl-4,6-dinitrophenol, 2-sec- (Dinoseb)	1.39e-01	2.78e+00
		Butylbenzylphthalate	5.67e+00	1.13e+02
		Carbon disulfide	1.39e+01	2.78e+02
		Carbon tetrachloride	2.75e-02	5.50e-01
		Chlordane	6.79e-04	1.36e-02
		Chloro-3-methylphenol 4-	1.81e+02	3.62e+03
		Chloroaniline, p-	5.57e-01	1.11e+01
		Chlorobenzene	2.79e+00	5.58e+01
		Chlorobenzilate	5.02e-02	1.00e+00
		Chlorodibromomethane	3.06e-02	6.12e-01
		Chloroform	4.75e-02	9.50e-01
		Chlorophenol, 2-	6.97e-01	1.39e+01

Facility	*Address*	*Waste Description*		
		Chrysene	2.71e-02	5.42e-01
		Cresol	6.97e-01	1.39e+01
		DDD	7.74e-04	1.55e-02
		DDE	1.82e-04	3.64e-03
		DDT	3.42e-04	6.84e-03
		Dibenz(a,h)anthracene	7.43e-06	1.49e-04
		Dibromo-3-chloropropane, 1,2-	2.14e-03	4.28e-02
		Dichlorobenzene 1,3-	1.36e-02	2.72e-01
		Dichlorobenzene, 1,2-	7.60e+00	1.52e+02
		Dichlorobenzene, 1,4-	1.07e-01	2.14e+00
		Dichlorobenzidine, 3,3'-	5.71e-03	1.14e-01
		Dichlorodifluoromethane	1.28e+01	2.56e+02
		Dichloroethane, 1,1-	7.33e-01	1.47e+01
		Dichloroethane, 1,2-	1.57e-03	3.14e-02
		Dichloroethylene, 1,1-	4.28e-03	8.56e-02
		Dichloroethylene, trans-1,2-	2.79e+00	5.58e+01
		Dichlorophenol, 2,4-	4.18e-01	8.36e+00
		Dichlorophenoxyacetic acid, 2,4-(2,4-D)	1.39e+00	2.78e+01
		Dichloropropane, 1,2-	6.93e-02	1.39e+00
		Dichloropropene, 1,3-	2.57e-02	5.14e-01
		Dieldrin	8.28e+01	1.66e+03
		Diethyl phthalate	1.35e+02	2.70e+03
		Dimethoate	3.67e+01	7.34e+02
		Dimethyl phthalate	7.33e+01	1.47e+03
		Dimethylbenz(a)anthracene, 7,12-	2.05e-06	4.10e-05
		Dimethylphenol, 2,4-	2.79e+00	5.58e+01

Facility	*Address*	*Waste Description*		
		Di-n-butyl phthalate	3.23e+00	6.46e+01
		Dinitrobenzene, 1,3-	1.39e-02	2.78e-01
		Dinitromethylphenol, 4,6-,2-	1.32e-02	2.64e-01
		Dinitrophenol, 2,4-	2.79e-01	5.58e+00
		Dinitrotoluene, 2,6-	3.99e-03	7.98e-02
		Di-n-octyl phthalate	6.83e-03	1.37e-01
		Dioxane, 1,4-	2.34e-01	4.68e+00
		Diphenylamine	2.29e+00	4.58e+01
		Disulfoton	2.32e+02	4.64e+03
		Endosulfan	8.36e-01	1.67e+01
		Endrin	2.00e-02	4.00e-01
		Ethylbenzene	1.02e+01	2.04e+02
		Ethylene Dibromide	2.52e-03	5.04e-02
		Fluoranthene	3.15e-01	6.30e+00
		Fluorene	1.08e+00	2.16e+01
		Heptachlor	8.00e-03	1.60e-01
		Heptachlor epoxide	8.00e-03	1.60e-01
		Hexachloro-1,3-butadiene	1.28e-02	2.56e-01
		Hexachlorobenzene	1.29e-04	2.58e-03
		Hexachlorocyclohexane, gamma-(Lindane)	4.00e-01	8.00e+00
		Hexachlorocyclopentadiene	8.61e+02	1.72e+04
		Hexachloroethane	1.84e-01	3.68e+00
		Hexachlorophene	1.91e-04	3.82e-03
		Indeno(1,2,3-cd) pyrene	8.02e-05	1.60e-03
		Isobutyl alcohol	4.18e+01	8.36e+02
		Isophorone	2.70e+00	5.40e+01
		Methacrylonitrile	1.39e-02	2.78e-01
		Methoxychlor	1.00e+01	2.00e+02

Facility	*Address*	*Waste Description*		
		Methyl bromide (Bromomethane)	7.80e+01	1.56e+03
		Methyl chloride (Chloro-methane)	1.21e-02	2.42e-01
		Methyl ethyl ketone	8.36e+01	1.67e+03
		Methyl isobutyl ketone	1.11e+01	2.22e+02
		Methyl methacrylate	2.11e+02	4.22e+03
		Methyl parathion	7.74e+01	1.55e+03
		Methylene chloride	1.76e-01	3.52e+00
		Naphthalene	2.53e-01	5.06e+00
		Nitrobenzene	6.97e-02	1.39e+00
		Nitrosodiethylamine	1.71e-05	3.42e-04
		Nitrosodimethylamine	5.04e-05	1.01e-03
		Nitrosodi-n-butylamine	4.76e-04	9.52e-03
		N-Nitrosodi-n-propylamine	3.67e-04	7.34e-03
		N-Nitrosodiphenylamine	5.24e-01	1.05e+01
		N-Nitrosopyrrolidine	1.22e-03	2.44e-02
		Pentachlorobenzene	7.01e-03	1.40e-01
		Pentachloronitrobenzene (PCNB)	6.64e-03	1.33e-01
		Pentachlorophenol	5.44e-03	1.09e-01
		Phenanthrene	1.27e-01	2.54e+00
		Phenol	8.36e+01	1.67e+03
		Polychlorinated biphenyls	3.99e-05	7.98e-04
		Pronamide	1.04e+01	2.08e+02
		Pyrene	2.41e-01	4.82e+00
		Pyridine	1.39e-01	2.78e+00
		Styrene	3.71e+00	7.42e+01
		Tetrachlorobenzene, 1,2,4,5-	5.75e-03	1.15e-01

Facility	*Address*	*Waste Description*		
		Tetrachloroethane, 1,1,2,2-	1.48e-01	2.96e+00
		Tetrachloroethylene	5.22e-02	1.04e+00
		Tetrachlorophenol, 2,3,4,6-	1.10e+00	2.20e+01
		Tetraethyl dithiopyrophosphate (Sulfotep)	1.83e+05	3.66e+06
		Toluene	2.79e+01	5.58e+02
		Toxaphene	5.00e-01	1.00e+01
		Trichlorobenzene, 1,2,4-	4.41e-01	8.82e+00
		Trichloroethane, 1,1,1-	4.63e+00	9.26e+01
		Trichloroethane, 1,1,2-	4.76e-02	9.52e-01
		Trichloroethylene	1.86e-01	3.72e+00
		Trichlorofluoromethane	1.24e+01	2.48e+02
		Trichlorophenol, 2,4,5-	5.59e+00	1.12e+02
		Trichlorophenol, 2,4,6-	2.34e-01	4.68e+00
		Trichlorophenoxyacetic acid, 2,4,5-(245-T)	1.39e+00	2.78e+01
		Trichlorophenoxypropionic acid, 2,4,5-(Silvex)	1.00e+00	2.00e+01
		Trichloropropane, 1,2,3-	4.69e-04	9.38e-03
		Trinitrobenzene, sym-	3.96e+00	7.92e+01
		Vinyl chloride	1.81e-03	3.62e-02
		Xylenes (total)	1.95e+02	3.90e+03

(4) *Changes in Operating Conditions*: If WMDSPA significantly changes the treatment process or the chemicals used in the treatment process, WMDSPA may not manage the treatment sludge filter cake generated from the new process under this exclusion until it has met the following conditions: (a) WMDSPA must demonstrate that the waste meets the delisting levels set forth in Condition (3); (b) it must demonstrate that no new hazardous constituents listed in Appendix VIII of 40 CFR Part 261 have been introduced into the manufacturing or treatment process; and (c) it must obtain prior written approval from the Department to manage the waste under this exclusion.

Facility	*Address*	*Waste Description*
		(5) *Reopener*:
		(i) If WMDSPA discovers that a condition at the facility or an assumption related to the disposal of the excluded waste that was modeled or predicted in the petition does not occur as modeled or predicted, then WMDSPA must report any information relevant to that condition, in writing, to the Department within 10 days of discovering that condition.
		(ii) Upon receiving information described in subparagraph (i) of this Condition, regardless of its source, the Department will determine whether the reported condition requires further action. Further action may include repealing the exclusion, modifying the exclusion, or other appropriate response necessary to protect human health and the environment.

Table 2a. Wastes Excluded from Specific Sources

Facility	*Address*	*Waste Description*
Max Environmental Technologies, Inc.	233 Max Lane Yukon, PA 15698	Electric arc furnace dust (EAFD) that has been treated on site by MAX Environmental Technologies, Inc. (MAX) at a maximum annual rate of 300,000 cubic yards per year and disposed of in a Permitted Resource Conservation and Recovery Act Subtitle D/ Pennsylvania Class 1 residual waste landfill that has groundwater monitoring.
		(1) *Delisting Levels:*
		(i) The constituent concentrations measured in either of the extracts specified in paragraph (2) may not exceed the following levels (mg/L): Antimony-0.206; Arsenic-0.0094; Barium-21; Beryllium-0.416; Cadmium-0.11; Chromium-0.60; Lead-0.75; Mercury-0.025; Nickel-11.0; Selenium-0.58; Silver-0.14; Thallium-0.088; Vanadium-21.1; Zinc-4.3.
		(ii) Total mercury may not exceed 1 mg/kg.
		(2) *Verification Testing:*
		(i) On a batch basis, MAX must analyze a representative sample of the waste using the following:
		(A) The Toxicity Characteristic Leaching Procedure (TCLP) , test Method 1311 in ''Test Methods for Evaluating Solid Waste. Physical/Chemical Methods.'' EPA publication SW-846, as incorporated by reference in 40 CFR 260.11.

Facility	*Address*	*Waste Description*

(B) The TCLP as referenced above with an extraction fluid of pH 12 ±0.05 standard units.

(C) SW-846 Method 7470 for mercury.

(ii) The constituent concentrations measured must be less than the delisting levels established in paragraph (1).

(3) *Changes in Operating Conditions:*

(i) If any of the approved EAFD generators significantly changes the manufacturing process or chemicals used in the manufacturing process or MAX significantly changes the treatment process or the type of chemicals used in the treatment process, MAX must notify the Department of the changes in writing.

(ii) MAX must handle wastes generated after the process change as hazardous until MAX has demonstrated that the wastes continue to meet the delisting levels set forth in paragraph (1) and that no new hazardous constituents listed in Appendix VIII of Part 261 have been introduced and MAX has received written approval from the Department.

(4) *Data Submittals:*

(i) MAX must submit the data obtained through routine batch verification testing, as required by other conditions of this rule or conditions of the permit, to the Pennsylvania Department of Environmental Protection Southwest Region, 400 Waterfront Drive, Pittsburgh, Pennsylvania 15222.

(ii) The data from the initial full scale batch treatments following permit modification and construction of the treatment unit shall be submitted to the Department as it becomes available and prior to disposal of those batches.

(iii) The data submission frequency can be modified by the Department upon demonstration that the treatment method is effective.

(iv) All data must be accompanied by a signed copy of the certification statement in 40 CFR 260.22(i)(12).

Facility	*Address*	*Waste Description*
		(v) MAX must compile, summarize, and maintain on site for a minimum of 5 years records of operating conditions and analytical data. MAX must make these records available for inspection. (5) *Reopener Language:* (i) If, at any time after disposal of the delisted waste, MAX possesses or is otherwise made aware of any data for any of the approved disposal facilities (including but not limited to leachate data or groundwater monitoring data) relevant to the delisted waste indicating that any constituent identified in paragraph (1) is at a level in the leachate higher than the delisting level established in paragraph (1), or is at a level in the groundwater higher than the specific facility action levels, then MAX or the disposal facility must report such data, in writing, to the Regional Director of the Pennsylvania Department of Environmental Protection Southwest Region within 10 days of first possessing or being made aware of that data. (ii) Based on the information described in subparagraph (i) and any other information received from any source, the Regional Director will make a preliminary determination as to whether the reported information requires Department action to protect human health or the environment. Further action may include suspending or revoking the exclusion or other appropriate response necessary to protect human health and the environment. (iii) If the Regional Director determines that the reported information does require Department action, the Regional Director will notify MAX in writing of the actions the Regional Director believes are necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing MAX and/or the approved disposal facility with an opportunity to present information as to why the proposed Department action is not necessary or to suggest an alternative action. MAX and/or the approved disposal facility shall have 30 days from the date of the Regional Director's notice to present the information.

Facility	*Address*	*Waste Description*
		(iv) If after 30 days MAX and/or the approved disposal facility presents no further information, the Regional Director will issue a final written determination describing the Department actions that are necessary to protect human health or the environment. Any required action described in the Regional Director's determination shall become effective immediately, unless the Regional Director provides otherwise.

Authority

The provisions of this Appendix IXa issued under section 105(a) of the Solid Waste Management Act (35 P. S. § 6018.105(a)); amended under sections 105, 402 and 501 of the Solid Waste Management Act (35 P. S. §§ 6018.105, 6018.402 and 6018.501) and section 1920-A of the Administrative Code of 1929 (71 P. S. § 510-20).

Source

The provisions of this Appendix IXa adopted February 10, 2006, effective February 11, 2006, 36 Pa.B. 705; amended September 10, 2010, effective September 11, 2010, 40 Pa.B. 5139. Immediately preceding text appears at serial pages (341224) to (341227).

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