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Solid Waste and
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Office of Solid Waste

EPA

Environmental Fact Sheet

RECYCLED COKE WASTES EXEMPT FROM HAZARDOUS WASTE REGULATION

The Environmental Protection Agency (EPA) has issued a final rule that exempts from the definition of solid waste those wastes produced by the coke by-products industry that are reinserted into coke ovens or mixed with coal tar. The exemption means that this industry may continue the common practice of recycling such wastes without interruption and without being subject to regulation under the Resource Conservation and Recovery Act (RCRA).

Background

The coke by-product industry commonly recycles the residues generated during coking and tar refining processes by returning the residues to coke ovens as a feedstock or mixing them with coal tar prior to its refining or sale.

These residues do not significantly alter the chemical composition of the final products once reycled. Prior to reinsertion in the process, however, the residues do exhibit the Toxicity Characteristic (TC), and would thus normally require management as hazardous wastes under the Resource Conservation and Recovery Act (RCRA). Under such regulatory conditions, the coke by-product industry would likely halt its recycling practices and dispose of the residues instead.

On July 26, 1991, EPA published a Notice of Proposed Rulemaking and request for public comment that included a proposal to exclude coke by-product residues from the definition of "solid waste" once they are returned to the coke oven or mixed with coal tar. This exclusion

essentially meant that coke and tar refining facilities would be allowed to continue their recycling practices without being subject to regulation under RCRA. EPA evaluated the comments received on its proposal and has now made a final determination on this portion of the rule.

Action

In an effort to encourage legitimate hazardous waste recycling over disposal, EPA is making final its exclusion from the definition of solid waste of coke by-product residues that are returned to coke ovens or mixed with coal tar. Any materials spilled, land disposed, or otherwise discarded do not fall within the scope of this exclusion. EPA believes that, when conducted in a responsible manner, the recycling of these residues does not cause additional threat to human health or the environment and is not part of the waste disposal problem.

Contact

For further information, or to order a copy of the *Federal Register* notice, please call the RCRA Hotline Monday through Friday, 8:30 a.m. to 7:30 p.m., EST. The national toll-free number is (800) 424-9346; for the hearing impaired, it is (TDD) (800) 553-7672. In Washington, D.C., the number is (703) 920-9810 or TDD(703) 486-3323. Or write to: RCRA Information Center, Office of Solid Waste (OS-305), U.S. EPA, 401 M Street, S.W., Washington, D.C. 20460.