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Agency

Solid Waste and
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Office of Solid Waste

EPA

Environmental Fact Sheet

Certain Hazardous Waste Slag Uses Now Subject to Regulation

Background

The regulations under 40 CFR 266.20 conditionally exempt hazardous waste that is used in a manner constituting disposal (applied to or placed on land), as well as waste-derived products that are produced (in whole or in part) from hazardous waste, and used in a manner constituting disposal, from the Environmental Protection Agency's (EPA's) hazardous waste disposal regulations. Under a generic exclusion promulgated for high-temperature metal recovery (HTMR) slags derived from hazardous waste (K061, K062, and F006), these slags are nonhazardous if generic exclusion levels for 13 metals are met, **and** if the slags are disposed of in nonhazardous waste landfills. EPA was challenged legally over the regulatory anomaly that effectively allowed slags used in an uncontrolled manner to be subject to lesser standards than slags disposed of in controlled landfills. To respond to the legal challenge, EPA agreed to establish appropriate generic exclusion levels or to prohibit nonencapsulated uses of K061 slags.

Action

This rule effectively prohibits anti-skid/de-icing uses of HTMR slag residues derived from hazardous wastes K061, K062, and F006, as waste-derived products placed on the land. This use is not prohibited when these wastes comply with all federal requirements for the land disposal of hazardous waste.

This rule does not prohibit other uses of HTMR slags that comply with Section 266.20 requirements. The HTMR slags also may continue to be disposed of in nonhazardous waste landfills if the residuals can meet the risk-based exclusion levels specified in Section 261.3(c)(2).

Contact

For more information or to order a copy of the *Federal Register* notice, contact the RCRA Hotline, Monday-Friday, 8:30 a.m. to 7:30 p.m. EST. The national, toll-free number is (800) 424-9346; TDD (800) 553-7672 (hearing impaired); in Washington, D.C., the number is (703) 412-9810, TDD (703) 412-3323.

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