United States
Environmental Protection
Agency

Office of Solid Waste
and Emergency Response
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Office of Solid Waste

EPA

# Environmental Fact Sheet

## New Treatment Standards Proposed for K061 High Zinc Subcategory Wastes

### Background

In the First Third land disposal restrictions rule of August 17, 1988, EPA determined that high temperature metal recovery (HTMR) was the best demonstrated available technology for treating K061 high zinc wastes (i.e., wastes containing equal to or greater than 15% total zinc). However, believing that it lacked the authority to regulate the slag residues from the HTMR process as K061 wastes, EPA set a treatment standard of "no land disposal" for these wastes.

On June 26, 1990, the District of Columbia Circuit Court of Appeals invalidated the "no land disposal" standard and held that EPA is not jurisdictionally barred from promulgating a treatment standard for the slag. The Court remanded the case to EPA to determine whether to establish a treatment standard for slag residue. The Court did not dispute that HTMR represents the best demonstrated available technology for these wastes.

Currently, K061 wastes are subject to an interim treatment standard based on stabilization, which will expire on August 8, 1991. After that date, industry will not be able to dispose of K061 wastes in or on the land if a new treatment standard has not been promulgated.

### Action

EPA is proposing to establish concentration-based treatment standards for K061 nonwastewaters in the high zinc subcategory based on the analysis of slag residues from the HTMR processes. EPA is further proposing that the slag resulting from the HTMR process be delisted from the hazardous waste regulations if it satisfies certain conditions.

## Public Comment

Public comments should be sent to EPA within 30 days of the publication date of the Federal Register notice announcing this proposed rule. For instruction on submitting written comments, please consult the notice. It may be obtained at no charge by calling the RCRA Hotline or by visiting EPA's RCRA Docket in Washington, D.C.

## For More Information

To obtain further information, a copy of the Federal Register notice, or other fact sheets on the land disposal restrictions program, 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 486-3323.