

APPENDIX XII TO PART 266—NICKEL OR CHROMIUM-BEARING MATERIALS THAT MAY BE PROCESSED IN EXEMPT NICKEL-CHROMIUM RECOVERY FURNACES

A. Exempt Nickel or Chromium-Bearing Materials when Generated by Manufacturers or Users of Nickel, Chromium, or Iron

Baghouse bags
Raney nickel catalyst
Floor sweepings
Air filters
Electroplating bath filters
Wastewater filter media
Wood pallets
Disposable clothing (coveralls, aprons, hats, and gloves)
Laboratory samples and spent chemicals
Shipping containers and plastic liners from containers or vehicles used to transport nickel or chromium-containing wastes
Respirator cartridge filters
Paper hand towels

B. Exempt Nickel or Chromium-Bearing Materials when Generated by Any Industry

Electroplating wastewater treatment sludges (F006)
Nickel and/or chromium-containing solutions
Nickel, chromium, and iron catalysts
Nickel-cadmium and nickel-iron batteries
Filter cake from wet scrubber system water treatment plants in the specialty steel industry¹
Filter cake from nickel-chromium alloy pickling operations¹

[56 FR 42517, Aug. 27, 1991]

APPENDIX XIII TO PART 266—MERCURY BEARING WASTES THAT MAY BE PROCESSED IN EXEMPT MERCURY RECOVERY UNITS

These are exempt mercury-bearing materials with less than 500 ppm of 40 CFR Part 261, appendix VIII organic constituents when generated by manufacturers or users of mercury or mercury products.

1. Activated carbon
2. Decomposer graphite
3. Wood
4. Paper
5. Protective clothing
6. Sweepings
7. Respiratory cartridge filters
8. Cleanup articles
9. Plastic bags and other contaminated containers
10. Laboratory and process control samples

¹If a hazardous waste under an authorized State program.

11. K106 and other wastewater treatment plant sludge and filter cake
12. Mercury cell sump and tank sludge
13. Mercury cell process solids
14. Recoverable levels or mercury contained in soil

[59 FR 48042, Sept. 19, 1994]

PART 267 [RESERVED]

PART 268—LAND DISPOSAL RESTRICTIONS

Subpart A—General

- Sec.
- 268.1 Purpose, scope, and applicability.
 - 268.2 Definitions applicable in this part.
 - 268.3 Dilution prohibited as a substitute for treatment.
 - 268.4 Treatment surface impoundment exemption.
 - 268.5 Procedures for case-by-case extensions to an effective date.
 - 268.6 Petitions to allow land disposal of a waste prohibited under subpart C of part 268.
 - 268.7 Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities.
 - 268.8 [Reserved]
 - 268.9 Special rules regarding wastes that exhibit a characteristic.

Subpart B—Schedule for Land Disposal Prohibition and Establishment of Treatment Standards

- 268.10–268.12 [Reserved]
- 268.13 Schedule for wastes identified or listed after November 8, 1984.
- 268.14 Surface impoundment exemptions.

Subpart C—Prohibitions on Land Disposal

- 268.20 Waste specific prohibitions—Dyes and/or pigments production wastes.
- 286.21–268.29 [Reserved]
- 268.30 Waste specific prohibitions—Wood preserving wastes.
- 268.31 Waste specific prohibitions—Dioxin-containing wastes.
- 268.32 Waste specific prohibitions—Soils exhibiting the toxicity characteristic for metals and containing PCBs.
- 268.33 Waste specific prohibitions—chlorinated aliphatic wastes.
- 268.34 Waste specific prohibitions—toxicity characteristic metal wastes.
- 268.35 Waste specific prohibitions—petroleum refining wastes.
- 268.36 Waste specific prohibitions—inorganic chemical wastes

§ 268.1

- 268.37 Waste specific prohibitions—ignitable and corrosive characteristic wastes whose treatment standards were vacated.
- 268.38 Waste specific prohibitions—newly identified organic toxicity characteristic wastes and newly listed coke by-product and chlorotoluene production wastes.
- 268.39 Waste specific prohibitions—spent aluminum potliners; reactive; and carbamate wastes.

Subpart D—Treatment Standards

- 268.40 Applicability of treatment standards.
- 268.41 Treatment standards expressed as concentrations in waste extract.
- 268.42 Treatment standards expressed as specified technologies.
- 268.43 Treatment standards expressed as waste concentrations.
- 268.44 Variance from a treatment standard.
- 268.45 Treatment standards for hazardous debris.
- 268.46 Alternative treatment standards based on HTMR.
- 268.48 Universal treatment standards.
- 268.49 Alternative LDR treatment standards for contaminated soil.

Subpart E—Prohibitions on Storage

- 268.50 Prohibitions on storage of restricted wastes.
- APPENDIXES I-II TO PART 268 [RESERVED]
- APPENDIX III TO PART 268—LIST OF HALOGENATED ORGANIC COMPOUNDS REGULATED UNDER § 268.32
- APPENDIX IV TO PART 268—WASTES EXCLUDED FROM LAB PACKS UNDER THE ALTERNATIVE TREATMENT STANDARDS OF § 268.42(C)
- APPENDIX V TO PART 268 [RESERVED]
- APPENDIX VI TO PART 268—RECOMMENDED TECHNOLOGIES TO ACHIEVE DEACTIVATION OF CHARACTERISTICS IN SECTION 268.42
- APPENDIX VII TO PART 268—LDR EFFECTIVE DATES OF SURFACE DISPOSED PROHIBITED HAZARDOUS WASTES
- APPENDIX VIII TO PART 268—LDR EFFECTIVE DATES OF INJECTED PROHIBITED HAZARDOUS WASTES
- APPENDIX IX TO PART 268—EXTRACTION PROCEDURES (EP) TOXICITY TEST METHOD AND STRUCTURAL INTEGRITY TEST (METHOD 1310)
- APPENDIX X TO PART 268 [RESERVED]
- APPENDIX XI TO PART 268—METAL BEARING WASTES PROHIBITED FROM DILUTION IN A COMBUSTION UNIT ACCORDING TO 40 CFR 268.3(C)

AUTHORITY: 42 U.S.C. 6905, 6912(a), 6921, and 6924.

40 CFR Ch. I (7–1–05 Edition)

Subpart A—General

§ 268.1 Purpose, scope, and applicability.

(a) This part identifies hazardous wastes that are restricted from land disposal and defines those limited circumstances under which an otherwise prohibited waste may continue to be land disposed.

(b) Except as specifically provided otherwise in this part or part 261 of this chapter, the requirements of this part apply to persons who generate or transport hazardous waste and owners and operators of hazardous waste treatment, storage, and disposal facilities.

(c) Restricted wastes may continue to be land disposed as follows:

(1) Where persons have been granted an extension to the effective date of a prohibition under subpart C of this part or pursuant to § 268.5, with respect to those wastes covered by the extension;

(2) Where persons have been granted an exemption from a prohibition pursuant to a petition under § 268.6, with respect to those wastes and units covered by the petition;

(3) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, or part 148 of this chapter, are not prohibited if the wastes:

(i) Are disposed into a nonhazardous or hazardous injection well as defined under 40 CFR 146.6(a); and

(ii) Do not exhibit any prohibited characteristic of hazardous waste identified in 40 CFR part 261, subpart C at the point of injection.

(4) Wastes that are hazardous only because they exhibit a hazardous characteristic, and which are otherwise prohibited under this part, are not prohibited if the wastes meet any of the following criteria, unless the wastes are subject to a specified method of treatment other than DEACT in § 268.40, or are D003 reactive cyanide:

(i) The wastes are managed in a treatment system which subsequently discharges to waters of the U.S. pursuant to a permit issued under section 402 of the Clean Water Act; or

(ii) The wastes are treated for purposes of the pretreatment requirements

Environmental Protection Agency

§ 268.2

of section 307 of the Clean Water Act; or

(iii) The wastes are managed in a zero discharge system engaged in Clean Water Act-equivalent treatment as defined in § 268.37(a); and

(iv) The wastes no longer exhibit a prohibited characteristic at the point of land disposal (i.e., placement in a surface impoundment).

(d) The requirements of this part shall not affect the availability of a waiver under section 121(d)(4) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA).

(e) The following hazardous wastes are not subject to any provision of part 268:

(1) Waste generated by small quantity generators of less than 100 kilograms of non-acute hazardous waste or less than 1 kilogram of acute hazardous waste per month, as defined in § 261.5 of this chapter;

(2) Waste pesticides that a farmer disposes of pursuant to § 262.70;

(3) Wastes identified or listed as hazardous after November 8, 1984 for which EPA has not promulgated land disposal prohibitions or treatment standards;

(4) *De minimis* losses of characteristic wastes to wastewaters are not considered to be prohibited wastes and are defined as losses from normal material handling operations (e.g. spills from the unloading or transfer of materials from bins or other containers, leaks from pipes, valves or other devices used to transfer materials); minor leaks of process equipment, storage tanks or containers; leaks from well-maintained pump packings and seals; sample purgings; and relief device discharges; discharges from safety showers and rinsing and cleaning of personal safety equipment; rinsate from empty containers or from containers that are rendered empty by that rinsing; and laboratory wastes not exceeding one per cent of the total flow of wastewater into the facility's headworks on an annual basis, or with a combined annualized average concentration not exceeding one part per million in the headworks of the facility's wastewater treatment or pretreatment facility.

(f) Universal waste handlers and universal waste transporters (as defined in

40 CFR 260.10) are exempt from 40 CFR 268.7 and 268.50 for the hazardous wastes listed below. These handlers are subject to regulation under 40 CFR part 273.

(1) Batteries as described in 40 CFR 273.2;

(2) Pesticides as described in § 273.3 of this chapter;

(3) Thermostats as described in § 273.4 of this chapter; and

(4) Lamps as described in 40 CFR 273.5.

[51 FR 40638, Nov. 7, 1986; 52 FR 21016, June 4, 1987, as amended at 53 FR 27165, July 19, 1988; 53 FR 31212, Aug. 17, 1988; 54 FR 36970, Sept. 6, 1989; 55 FR 22686, June 1, 1990; 58 FR 29884, May 24, 1993; 59 FR 48043, Sept. 19, 1994; 60 FR 25542, May 11, 1995; 61 FR 15663, Apr. 8, 1996; 61 FR 33682, June 28, 1996; 62 FR 26019, May 12, 1997; 64 FR 36488, July 6, 1999]

§ 268.2 Definitions applicable in this part.

When used in this part the following terms have the meanings given below:

(a) *Halogenated organic compounds* or *HOCs* means those compounds having a carbon-halogen bond which are listed under appendix III to this part.

(b) *Hazardous constituent or constituents* means those constituents listed in appendix VIII to part 261 of this chapter.

(c) *Land disposal* means placement in or on the land, except in a corrective action management unit or staging pile, and includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground mine or cave, or placement in a concrete vault, or bunker intended for disposal purposes.

(d) *Nonwastewaters* are wastes that do not meet the criteria for wastewaters in paragraph (f) of this section.

(e) *Polychlorinated biphenyls* or *PCBs* are halogenated organic compounds defined in accordance with 40 CFR 761.3.

(f) *Wastewaters* are wastes that contain less than 1% by weight total organic carbon (TOC) and less than 1% by weight total suspended solids (TSS).

(g) *Debris* means solid material exceeding a 60 mm particle size that is intended for disposal and that is: A manufactured object; or plant or animal matter; or natural geologic material.