



## EPA ELIMINATES HAZARDOUS WASTE EXCLUSION

EPA is removing provisions at 40 CFR 261.4(a)(16) and 40 CFR 261.38 related to comparable fuels, and revising 40 CFR 261.4(a)(12)(i) by removing gasification from the list of specific petroleum refining processes into which oil-bearing hazardous secondary materials may be inserted.

The effect of the removal of 40 CFR 261.4(a)(16) and 261.38 will be to make comparable fuels that were previously excluded from the RCRA definition of solid waste subject to regulation under RCRA subtitle C. The removal of gasification from 40 CFR 261.4(a)(12)(i) will prevent hazardous secondary materials generated at petroleum refineries from being inserted into gasifiers at refineries without being deemed hazardous wastes and, therefore, being subject to hazardous waste regulations under RCRA subtitle C. As a result of these previously excluded materials now being identified as hazardous waste under 40 CFR 261.3, facilities burning these materials will be subject to regulation as Hazardous Waste Combustors under 40 CFR 63 subpart EEE, as well as applicable regulations under RCRA subtitle C. For details, see the April 8, Federal Register.

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### DIRECTORY

**Corporate Headquarters**  
215 West Church Road  
King of Prussia, PA 19406  
Phone: (610) 265-1510 / FAX: (610) 265-0687

**New Jersey**  
Pureland Complex, Suite 306  
510 Heron Drive, P.O. Box 521  
Bridgeport, NJ 08014  
Phone: (856) 467-2276 / FAX: (856) 467-3476

**Southwest Pennsylvania**  
591 East Maiden Street  
Washington, PA 15301

**Phone: (724) 206-0348 / FAX: (724) 206-0380**

**E-mail: RTENV@AOL.COM**

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