



pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Bureau of Waste Management

Petitions for Rulemaking: Hazardous Waste Delisting

MAX Environmental Technologies, Inc.

Bulger Facility Petition

Yukon Facility Petition

Environmental Quality Board Meeting

June 18, 2019

Tom Wolf, Governor

Patrick McDonnell, Secretary

Purpose of Delisting

- What is a Delisting Petition?
 - A request to exclude waste generated by a particular facility from the list of hazardous wastes under the Resource Conservation and Recovery Act of 1976 (RCRA) and the Solid Waste Management Act (SWMA)

Authority to Delist

- Under 40 CFR 260.20 and 260.22, a person may petition to remove waste from hazardous waste control by excluding the waste from the lists of hazardous wastes in 40 CFR 261.31 and 261.32.
- Federal regulations are incorporated by reference under 25 Pa. Code 260a.1

Authority to Delist

- Under the commonwealth's hazardous waste regulations at § 260a.20, these petitions are to be submitted to the Environmental Quality Board in accordance with the procedures established in the Board's Petition Policy at 25 Pa. Code Chapter 23.

Receipt of Petitions

- DEP received the Delisting Petition; Leachate Treatment System Sludge, for both the Bulger Facility and Yukon Facility on May 2, 2019.

Delisting Petition Process

- DEP reviewed the petitions in accordance with the EQB Petition Policy in 25 Pa. Code Chapter 23 and determined the petitions meet the conditions in Section 23.2 for further review:
 - The petitions are complete as required by Section 23.1.
 - The petitions request an action that can be taken by the EQB.
 - The requested actions do not conflict with federal law.

Facility Information

- MAX Environmental Technologies, Inc.
 - Bulger Facility
 - Yukon Facility
- Each facility has entered into a COA with DEP to manage their Waste Water Treatment Plant sludge as F039
- The discharge from each facility is regulated under separate NPDES permits

Notification

- The Department notified the petitioners and the EQB that the petitions meet the requirements for acceptability as defined in § 23.2 of the EQB's Petition Policy.

Next Steps

- If the EQB accepts these petitions for further study, a notice of acceptance for each petition would be published in the Pennsylvania Bulletin within 30 days, then:
 - The Department would prepare a report evaluating the petition within 60 days.
 - If the report cannot be completed within the 60-day period, at the next EQB meeting the Department would state how much additional time is necessary to complete the report.

Next Steps

- The Department's report would include a recommendation on whether the EQB should approve the actions requested in the petitions.
 - If the recommendation is to amend a regulation, the report would also specify the anticipated date that the EQB would consider a proposed rulemaking.

Evaluation: Petition Criteria

- For the purposes of these facilities, the leachate and resultant sludge(s) are considered to be an “F039” listed hazardous waste
- F039 – Multisource leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D (Lists of Hazardous Wastes)

Delisting Guidance

- The guidance for delisting petitions is the EPA RCRA Delisting Program Guidance Manual for the Petitioner (3/2003)
- Submittals include the following:
 - Administrative Information,
 - Waste Management Information,
 - Waste Process,
 - Delisting Analytical Plan,
 - Delisting Sampling Plan,
 - Waste Sampling; and
 - Analysis Plan

Recommendation

The Department recommends that the EQB accept the petitions for further study.

**The recommendation does not infer the promulgation of a rulemaking.*



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