

secondary materials, Waste treatment and disposal.

Dated: January 26, 2018.

**E. Scott Pruitt,**  
Administrator.

For the reasons stated in the preamble, EPA is amending title 40, chapter I, of the Code of Federal Regulations as follows:

#### **PART 241—SOLID WASTES USED AS FUELS OR INGREDIENTS IN COMBUSTION UNITS**

■ 1. The authority citation for part 241 continues to read as follows:

**Authority:** 42 U.S.C. 6903, 6912, 7429.

■ 2. Section 241.2 is amended by adding in alphabetical order the definitions “Copper naphthenate treated railroad ties”, “Copper naphthenate-borate treated railroad ties”, and “Creosote-borate treated railroad ties” to read as follows:

##### **§ 241.2 Definitions.**

\* \* \* \* \*

*Copper naphthenate treated railroad ties* means railroad ties treated with copper naphthenate made from naphthenic acid and copper salt.

*Copper naphthenate-borate treated railroad ties* means railroad ties treated with copper naphthenate and borate, including borate made from disodium octaborate tetrahydrate.

\* \* \* \* \*

*Creosote-borate treated railroad ties* means railroad ties treated with a wood preservative containing creosols and phenols and made from coal tar oil and borate, including borate made from disodium octaborate tetrahydrate.

\* \* \* \* \*

■ 3. Section 241.4 is amended by adding paragraphs (a)(8) through (10) to read as follows:

##### **§ 241.4 Non-Waste Determinations for Specific Non-Hazardous Secondary Materials When Used as a Fuel.**

(a) \* \* \*

(8) Creosote-borate treated railroad ties, and mixtures of creosote, borate and/or copper naphthenate treated railroad ties that are processed and then combusted in the following types of units. Processing must include, at a minimum, metal removal and shredding or grinding.

(i) Units designed to burn both biomass and fuel oil as part of normal operations and not solely as part of start-up or shut-down operations; and

(ii) Units at major source pulp and paper mills or power producers subject to 40 CFR part 63, subpart DDDDD, designed to burn biomass and fuel oil as

part of normal operations and not solely as part of start-up or shut-down operations, but are modified (e.g., oil delivery mechanisms are removed) in order to use natural gas instead of fuel oil. The creosote-borate and mixed creosote, borate and copper naphthenate treated railroad ties may continue to be combusted as product fuel under this subparagraph only if the following conditions are met, which are intended to ensure that such railroad ties are not being discarded:

(A) Creosote-borate and mixed creosote, borate and copper naphthenate treated railroad ties must be burned in existing (i.e., commenced construction prior to April 14, 2014) stoker, bubbling bed, fluidized bed, or hybrid suspension grate boilers; and

(B) Creosote-borate and mixed creosote, borate and copper naphthenate treated railroad ties can comprise no more than 40 percent of the fuel that is used on an annual heat input basis.

(iii) Units meeting requirements in paragraph (a)(8)(i) or (ii) of this section that are also designed to burn coal.

(9) Copper naphthenate treated railroad ties that are processed and then combusted in units designed to burn biomass, biomass and fuel oil, or biomass and coal. Processing must include at a minimum, metal removal, and shredding or grinding.

(10) Copper naphthenate-borate treated railroad ties that are processed and then combusted in units designed to burn biomass, biomass and fuel oil, or biomass and coal. Processing must include at a minimum, metal removal, and shredding or grinding.

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 261**

##### **Identification and Listing of Hazardous Waste**

##### *CFR Correction*

■ In Title 40 of the Code of Federal Regulations, Parts 260 to 265, revised as of July 1, 2017, on page 64, in § 261.6, paragraph (a)(2)(iv) is reinstated to read as follows:

##### **§ 261.6 Requirements for recyclable materials.**

(a)(1) \* \* \*

(2) \* \* \*

(iv) Spent lead-acid batteries that are being reclaimed (40 CFR part 266, subpart G).

\* \* \* \* \*

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 261**

##### **Identification and Listing of Hazardous Waste**

##### *CFR Correction*

■ In Title 40 of the Code of Federal Regulations, Parts 260 to 265, revised as of July 1, 2017, on page 67, in part 261, the heading of subpart C is reinstated to read: “Characteristics of Hazardous Waste”.

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#### **ENVIRONMENTAL PROTECTION AGENCY**

##### **40 CFR Part 770**

[EPA–HQ–OPPT–2017–0245; FRL–9972–68]

**RIN 2070–AK36**

##### **Voluntary Consensus Standards Update; Formaldehyde Emission Standards for Composite Wood Products**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is publishing this final rule to revise the formaldehyde standards for composite wood products regulations. The revision updates the incorporation by reference of multiple voluntary consensus standards that have been updated, superseded, or withdrawn, and provides a technical correction to allow panel producers to correlate their approved quality control test method to the ASTM E1333–14 test chamber, or, upon showing equivalence, the ASTM D6007–14 test chamber.

**DATES:** This final rule is effective on February 7, 2018. The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of February 7, 2018.

**ADDRESSES:** The docket for this action, identified by docket identification (ID) number EPA–HQ–OPPT–2017–0245, is available at <http://www.regulations.gov> or at the Office of Pollution Prevention and Toxics Docket (OPPT Docket),