

9442.1989(01)

REGULATORY STATUS OF WASTEWATER TREATMENT SLUDGES FROM  
ZIRCONIUM PHOSPHATING OF ALUMINUM

Mr. Richard Torrito  
Assistant General Counsel  
Continental Can Company, Inc.  
P.O. Box 5410  
Norwalk, Connecticut 06856

Dear Mr. Torrito:

It was a pleasure meeting, with you on December 22, 1988 to discuss the regulatory status of wastewater treatment sludges from the zirconium phosphating of aluminum cans which are generated and managed by Continental Can.

As we discussed at that meeting wastewater treatment sludges generated by Continental Can are within the scope of the listing for wastewater treatment sludges from the chemical conversion coating of aluminum. Based on the process chemistry and information received by the Agency, we do not believe that these wastes contain or form Appendix VIII constituents in hazardous concentrations. Therefore, it is the Agency's belief that wastewater treatment sludges from this process should not be classified as hazardous waste and that Continental Can and other can makers employing the same process and chemical constituents should be granted regulatory relief from managing their sludges as hazardous wastes as quickly as possible.

The Agency believes that the best way to accomplish this is to modify the F019 listing to exclude the zirconium phosphating of aluminum cans process through an expedited rulemaking. One issue you raised during the meeting was whether the modification to the listing would retroactively apply to previously generated wastes. According to our Office of General Counsel, the listing modification would be retroactive (i.e., once the F019 listing modification is final, previously generated wastes would not be classified as F019).

I want to assure you that making the modification discussed with you is a high priority within the Office of Solid Waste. It is already underway and will be carried out as quickly as

possible. We will keep you informed.

Sincerely,

Sylvia K. Lowrance  
Director  
Office of Solid Waste