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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 86

4. Fossil Fuel Combustion Waste Exclusion

A coal combustion process produces a mixture of fly ash and bottom ash, a waste that is deemed non-hazardous in 40 CFR §261.4(b)(4). When quench water comes in contact with the ash to cool it, the water sometimes becomes alkaline to the point of corrosivity. A pipeline transfers this mixture to a dewatering facility, and the dewatered ash is placed on a truck. Is this corrosive quench water a hazardous waste, even though it is from an excluded ash?

Fly ash, bottom ash, slag and fuel gas emission control wastes generated primarily from the burning of fossil fuels are exempt from hazardous waste regulation under RCRA according to 40 CFR §261.4(b)(4) and Section 3001(b)(3) (A)(i) of RCRA. The quench water becomes corrosive solely as a result of contact with the ash. Because the hazardous waste characteristic of the quench water is derived from an exempt waste, the resulting corrosive quench water retains the exempt status of that waste. In other words, whatever makes the water corrosive is already exempt, so the water is also exempt from regulation as a hazardous waste.

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