

9433.1987(22)

DELISTING POLICY ALLOWS EXCLUSION OF SEPARATE WASTE TREATMENT
UNITS AT MULTI-UNIT FACILITIES

OCT 2 1987

Mr. Richard Davis
RCRA Coordinator
Brush Wellman, Inc.
South River Road
Elmore, Ohio 43416

Dear Mr. Davis:

This letter is to inform you that the Permits and States Programs Division (PSPD) has re-evaluated its earlier decision regarding Brush Wellman's exclusion petition (#0573) submitted October 25, 1984. Based on our original policy of considering on-site management units as a single waste volume for purposes of delisting, we had indicated to you (in correspondence dated December 5, 1985) that our office would recommend a denial decision to the Assistant Administrator for Solid Waste and Emergency Response. Recent delisting policy changes, however, now would allow for exclusion of separate waste treatment units at a multi-unit facility.

Based on preliminary data in the petition, we are now considering an exclusion for Lagoon #6 only. Based on the high level of clay in the Lagoon #6 samples, however, we believe that more sampling data from this lagoon are needed before a final decision can be made. As stated in earlier correspondence, we will recommend to the Assistant Administrator for Solid Waste and Emergency Response that your petition to exclude wastes from Lagoon #3 and the Triangular Lagoon be denied. You may wish to withdraw your petition for these two Lagoons rather than have a negative decision published in the Federal Register. If you choose to do so, please advise us in writing within two weeks of receipt of this letter.

As noted in Table 4 of Brush Wellman's revised petition, which was submitted on June 14, 1985, visual inspection of the Lagoon #6 samples indicated the absence of sludge material; samples appeared to be 100% clay. Thus, these samples may not be representative of the waste because of the dilution by the

clay substrata. We suggest that the samples be collected in a horizontal plane, so that contamination and dilution by clay are minimized. This will necessitate the use of a grab-sampling device, e.g., "clam-shell" type sampler, to collect sludge samples. The sample locations should be determined in the random fashion used in your original petition. As described in our previously published guidance document, *Petitions to Delist Hazardous Wastes--A Guidance Manual* (EPA/530-SW-85-003, April 1985), one sample per each 10,000 square foot increment, or a total of twenty-six samples, should be analyzed for total oil and grease, cyanides, and for total and EP leachable concentrations of the EP toxic metals, plus nickel and beryllium. In this case, the PSPD is willing to utilize a "tiered" approach to the EP analyses, whereby the total metal concentrations will first be evaluated to determine whether enough of each metal is present in each sludge sample to warrant further analysis with the EP test. The threshold value for arsenic, lead, chromium, and silver is 32 mg/kg; for cadmium and selenium, 6.4 mg/kg; for barium, 640 mg/kg; for mercury, 1.28 mg/kg; for beryllium, 128 mg/kg; for nickel, 224 mg/kg. Samples containing more than these amounts of metals must be tested with the EP test (or the Oily Waste EP, if metal oil and grease is found to exceed one percent).

Once this information has been received, the evaluation of the Lagoon #6 portion of your petition may proceed. After review of these data, we will evaluate the analyses using the maximum value obtained for each constituent, in accordance with our policy.

We would also like to inform you of a related policy change made by our office. In the past, when we requested information from petitioners there would often be a significant period of time elapsed before the information would be presented to the Agency. This delay has, in turn, contributed to delays in petition reviews. In order to solve this recurring problem, our office has instituted a six-month deadline for the submission of requested information. When requested information is not received in this time frame, the petition will be dismissed for lack of information and the petition file will be closed. Specific items of information will only be requested once. A petitioner may repetition the Agency with complete information but it will be handled as a new petition in chronological order of receipt.

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In Brush Wellman's case, the additional waste analyses from Lagoon #6 should be submitted no later than April 1, 1988. Should the data not be submitted by that date, your petition will be dismissed. We would provide written notification to you at that time in the event of petition dismissal.

Should you have any questions or require any additional information, please contact Scott Maid, of my staff, at (202) 382-4783.

Sincerely,

Suzanne Rudzinski, Chief
Assistance Branch

cc: Allen Debue, EPA Region V
Bill Muno, EPA Region V

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