

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

AUGUST 2, 1989

Denise M. Uremovich
Terminal Technologies Inc.
R.R. #2, Elwood Road
Manhattan., Illinois 60442

Dear Ms. Uremovich:

I am writing to respond to the questions in your letter of June 29, 1989. Specifically, you were concerned about the scope of two hazardous waste listings. As stated in your letter, the listings of leaded gasoline storage tank bottoms (K052) and API Separator Sludge (K051) are intended to apply to sludges which are originally generated in petroleum refineries. Sludges generated at a bulk terminal are not typically within the scope of the listing. However, the listings, once generated at a petroleum refinery, do not cease to apply if they are shipped off-site and managed in other units. For instance, leaded gasoline storage tank bottoms that are generated at a petroleum refinery and then shipped to a terminal with the leaded gasoline would meet the listing description and be subject to regulation upon removal from the tank.

Likewise, solid wastes generated in oil water separators at terminals would be listed hazardous wastes if the terminal has discharged streams from the storage of listed hazardous wastes to the separator. For example, if the terminal had a tank which stored Slop Oil Emulsion Solids that were generated at a petroleum refinery (K049), discharge of residuals to the oil and water separator could render the sludge subject to the listing by virtue of the derived from and mixture rules (see 40 CFR 261.3(c)2(i) and 261.3(b)(2)).

Regardless of whether, or not, the wastes generated in a particular situation are listed hazardous wastes, the waste streams (as generated) could also be hazardous by virtue of one of the hazardous waste characteristics (see 40 CFR 261.21-24). To the extent that this is the case, treatment, storage or disposal of the wastes and associated treatment residuals would be subject to regulation under RCRA for as long as the material remained hazardous. In this connection, you need to be aware that the Agency anticipates the promulgation of a new toxicity characteristic in the coming months. There is a high probability that the toxicity characteristic would impact the wastes which you referenced.

Hopefully, this response clarifies the regulatory status of the two treatment residuals of immediate concern to you. Do not hesitate to contact Robert Scarberry of my staff at (202) 382-4770, if you require additional information.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste