

9444.1987(20)

MAY 26 1987

Zelda Curtiss
Pennsylvania Department of
Environmental Resources
Office of Chief Counsel
1303 Highland Building
121 South Highland Avenue
Pittsburgh, PA 15206-3988

Dear Ms. Curtiss:

After careful review of your letter of April 24 and the supporting documentation in Don Zimmer's letter of May 7, we agree with your determination on Witco's API Separator Sludge. The waste is not generated at a facility encompassed by the original listing. Thus, it is not K051.

Nevertheless, it is important to keep in mind that some of the wastes generated by the facility may meet one, or more, of the hazardous waste characteristics. Additionally, for future reference, I also should clarify the types of facilities which we consider to be included in the listing.

The petroleum refineries encompassed by the existing listing are not restricted to facilities that process crude oil. Generally, the refineries covered are all facilities in SIC 2911 who perform distillation of crude oil and/or unfinished petroleum derivatives. Witco does not distill the neutral distillates and does not produce motor or heating fuels. Consequently, they are not in the listed industry.

-2-

Hopefully, this letter will serve to clarify the scope of the refinery listings. Do not hesitate to contact Ben Smith of my staff at (202) 382-4791, if you require any additional information.

Sincerely,

Matthew A. Straus, Chief
Waste Characterization Branch

cc: Dir., WMD, Regions I-X