

Ross Bunnell  
Connecticut Department of Environmental Protection  
Bureau of Waste Management  
Engineering and Enforcement Division  
79 Elm Street  
Hartford, CT 06106-5127

Dear Mr. Bunnell:

Thank you for your telephone inquiry regarding regulation of spent granulated activated carbon and ion exchange columns under the Resource Conservation and Recovery Act (RCRA) hazardous waste management regulations. In conversations with Ms. Kristina Meson on May 18, 1998 and with Mr. Javier Garcia on June 1, 1998, you asked about the regulatory status of these filtering devices after being spent by filtering rinse water from a printed circuit board manufacturing metal finishing process. You referenced an earlier U.S. Environmental Protection Agency letter from David Bussard, Director of the Characterization and Assessment Division, to Mr. Greg Weisjahn (dated July 21, 1994). This letter is enclosed.

Your specific questions are answered below.

(1) Can the ion exchange filter, when spent and removed for reclamation, be considered a sludge (and therefore unregulated as a characteristic sludge being reclaimed under 40 CFR 261.2(c)(3))?

The regulatory definition of sludge is "any solid, semisolid, or liquid waste generated from a municipal, commercial or industrial waste water treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a waste water treatment plant" (40 CFR 260.10). Based on this definition and on your description of the use of the devices, the filter elements, while meeting the definition of "spent material," also meet the definition of "sludge." However, because the term "sludge" is a more narrow definition, the agency has consistently considered such "spent" filters to be sludges. (See, for example, the enclosed July 21, 1994 letter from D. Bussard to G. Weisjahn.)

Further, if the filters are used within the electroplating process, the spent filters

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may be considered F006 (a listed hazardous waste). If the spent filters do not meet the definition of F006, the generator must determine if they exhibit a characteristic.

(2) Must the effluent be discharged in order for the spent filters to be considered sludge?

No. The fate of the effluent processed by the subject filters does not affect the status of the spent filters. The effluent can be returned to the process or it can be passed on to other processes without affecting characterization of the spent filters as sludge. See the enclosed July 21, 1994 letter from D. Bussard to G. Weisjahn for more discussion of this point.

(3) Must the waste water treatment unit be subject to some Clean Water Act (CWA) requirements in order for the spent filters to be characterized as a sludge?

No. There is a definition of waste water treatment unit in 40 CFR 260.10 that refers to regulation under the CWA. However, the definition of sludge in 40 CFR 260.10 does not refer to such regulation.

(4) How does the definition of sludge relate to the waste water treatment unit (WWTU) exemption?

40 CFR 264.1(g)(6) exempts WWTUs (as defined in 40 CFR 260.10) that meet certain criteria from the Part 264 permitting standards for owners and operators of hazardous waste treatment, storage, and disposal facilities. (There is a similar exclusion in 40 CFR 265.1(c)(10) for interim status facilities.) The definitions of sludge and WWTU address two different issues (the regulatory status of a material, and of a unit, respectively) and are not necessarily related. Of course, a sludge may be generated in a WWTU, but the criteria for each definition are different. If the waste water treatment facility described in your example does not meet the definition in 40 CFR 260.10 or it does not meet the criteria in 40 CFR 264.1(g)(6), then it is not exempt under this provision.

I hope you find this information helpful. Thank you for your interest in the solid and hazardous waste regulations. If you need further information, you may contact Javier Garcia of my staff at (703) 308-2628.

Sincerely,

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David Bussard  
Director  
Hazardous Waste Identification Division

Enclosure  
cc: Javier Garcia (MC 5304W)

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