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United States Environmental Protection Agency  
Washington, D.C. 20460  
Office of Solid Waste and Emergency Response

June 10, 1994

Mr. John Maguire  
President  
Maguire and Strickland Refining, Inc.  
1290 81st Avenue, N.E.  
Minneapolis, Minnesota 55432

Dear Mr. Maguire:

Thank you for your letter of April, 19, 1994 regarding the regulatory status of non-listed sludge that is being recycled. You cite a January 6, 1987 letter from EPA to Mr. Thomas Dufficy that addresses this issue and ask if the information provided in the letter reflects current EPA policy.

The information provided in the letter to Mr. Dufficy is correct. As stated in that letter, residues contained in recovery units used to treat waste water would be considered a sludge. And, if the sludge is sent for reclamation, it would not be considered a solid waste. 40 CFR §261.2(c)(3). Regarding the regulatory status of the recovery units, the Dufficy letter correctly states that, "to the extent that the recovery units would be defined as a sludge (i.e., a pollution control residual), they would not be subject to the federal hazardous rules when they were sent for reclamation, since they would not be considered a solid waste." It is important to note, however, that a specific determination regarding the regulatory status of the recovery units and/or the residuals they contain would have to be made on a site-specific basis by the appropriate State or Regional authority.

The type of unit specifically discussed in the Dufficy is a steel wool cartridge. You ask whether EPA differentiates between steel wool and copper coated steel mesh type canisters. EPA does not differentiate between these units as a matter of general policy. As previously noted, however, specific determinations must be made on a case-by-case basis by the appropriate State or Region.

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I hope this letter has addressed your concerns. If you have additional questions, please call Becky Daiss of my staff at (202) 260-8718.

Sincerely,

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Attachment  
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Maguire and Strickland Refining, Inc.  
1290 81st Avenue, N.E.  
Minneapolis, Minnesota 55432  
Telephone (612) 86-2858  
FAX (612) 786-7793

April 19, 1994

U.S. EPA  
Office of Solid Waste  
Washington, DC 20460

To whom it may concern,

Please find an enclosed letter by Matthew Straus to Thomas Dufficy of Harrison NY.

Is the information as stated to Dufficy by Straus still the norm?  
Also, in regards to ion exchange steel canisters, does the EPA have different thoughts about steel wool vs. copper coated steel mesh types?

Thank you,

Yours truly,

John Maguire  
President

RO 11927

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Office of Solid Waste and Emergency Response

Mr. Thomas Dufficy  
Executive Vice President  
National Association of Photographic Manufacturers, Inc  
600 Mamaroneck Avenue  
Harrison, NY 10528

Dear Mr. Dufficy:

This is in response to your letter of September 15, October 24, and November 4, 1986, regarding the regulatory status of properly washed chemical recovery cartridges (also referred to in your letters as steel wool cartridges), flake silver from electrolytic recovery cells, and silver-containing ion-exchange resins, under the federal hazardous waste rules. These units (i.e., chemical recovery cartridges, electrolytic recovery cells, and ion-exchange resins) are used to recover silver in a number of operations in the photographic industry.

Based on the data and information provided in your letters (i.e., analytical test data and discussions regarding the representativeness of the data), it appears that when these units are properly washed (in accordance with the instructions provided in your letters), they do not exhibit the characteristic of EP toxicity for silver. You also state that these recovery units do not exhibit the characteristics of ignitability, corrosivity, and reactivity, and I presume that these recovery units are not EP toxic for any of the other toxic contaminants. Thus, those recovery units that are properly washed appear not to be hazardous wastes and, therefore, are not subject to the federal hazardous waste regulations. However, each generator is still responsible for determining whether or not the wastes contained in the recovery units are hazardous. See 40 FR §262.11.

In addition, as we've discussed previously, to the extent that these recovery units would be defined as a sludge (i.e., a pollution control residual), they would not be subject to the federal hazardous waste rules when they were sent for reclamation, since they would not be considered a solid waste. Thus, if any of these devices was used to treat wastewater (for example, to comply with the new BAT/PSES rules), the residues contained in the units

would be considered a sludge; if the sludge is sent for reclamation, it would not be considered a solid waste. See 40 CFR §261.2(c)(3).

Finally, as you are aware, States may choose to regulate these recovery units under their State hazardous waste program differently than under the federal program. Therefore, representatives in the various States will need to be contacted to determine the regulatory status of these recovery units under the State hazardous waste rules.

Please feel free to give me a call at (202) 475-8551 if I can be of any further assistance.

Sincerely,

Matthew A. Straus  
Chief, Waste Characterization Branch