

9443.1988(05)

MAY -2 1988

Mr. G. R. Boulden  
Ladish Co., Inc.  
Kentucky Plant  
Cynthiana, KY 41031

Dear Mr. Boulden:

This letter is in response to your telephone conversation with, and March 1, 1988 letter to, David Topping of my staff. Specifically, you have requested an interpretation as to the applicability of certain hazardous waste definitions and regulations.

As you are aware, wastes are considered hazardous if they either (1) are listed in the lists of hazardous wastes described in Sections 261.31 through 261.33; or (2) exhibit any of the characteristics of a hazardous waste described in Sections 261.21 through 261.24. For purposes of clarity, it should be noted that the wastes you describe do not meet the first criterion. That is, since the plant's SIC code is not 331 or 332, the wastes do not meet the definition of EPA Hazardous Waste No. K062, which appears to be the only listing that applies to pickling operations. Therefore, the wastes would only be considered hazardous if they exhibit one of the characteristics or are mixed with another waste that is listed.

The responses to your specific questions follow:

1. Is the spent pickle liquor a hazardous waste if it corrodes 1020 steel at a rate of  $\geq 0.25$  inches/year?

Yes. This is the definition of a corrosive liquid waste as described at Section 261.22(a)(2).

2. Is the sludge from the bottom of the pickle tank a hazardous waste if its pH  $\leq 2$ ?

Yes. This is the definition of a corrosive aqueous waste as described at Section 261.22(a)(1).

3. Does paragraph 264.314 apply to the dewatered lime neutralized pickle sludge that is taken to the local landfill?

No. Part 264 applies to hazardous waste treatment, storage, and disposal units. To the extent that the "local landfill" is not a hazardous waste facility, Section 264.314 is not applicable.

4. In regards to the waste discussed above, what if any, regulatory requirements does the EPA have?

Since it is not clear whether the wastestreams of the Kentucky Plant do or do not exhibit the characteristics described above, a general answer to this question cannot be provided. It is suggested that you direct this question to our Regional Office at the following address:

U.S. EPA Region IV  
345 Courtland Street, N.E.  
Atlanta, GA 30365  
Attn: James H. Scarbrough  
Residuals Management Branch

Also, please note that State regulations may differ from Federal regulations. Since the regional EPA offices deal more directly with the States, they are better able to provide the information you desire.

Should you have any questions regarding this response, feel free to contact David Topping of my staff at (202) 382-7737.

Sincerely,

Original Document signed

Devereaux Barnes, Director  
Characterization and Assessment  
Division