

9441.1988(48)

NOV 21 1988

MEMORANDUM

SUBJECT: Possible Applicability of RCRA Regulations to Fluff

FROM: Mitch Kidwell, Environmental Protection Specialist
Waste Characterization Branch
Office of Solid Waste (OS-332)

THRU: Robert W. Dellinger, Chief
Waste Characterization Branch
Office of Solid Waste (OS-332)

TO: Richard La Shier and Janis Johnson
Chemical Regulation Branch
Office of Toxic Substances

This memorandum is written to present the possible applicability of RCRA Subtitle C regulations to contaminated "fluff" residuals from ferrous metals recycling activities (in particular, automobile shredding).

As stated in the background document that was discussed at the October 28th workgroup meeting, the key constituents of concern in the fluff are PCBs and lead. PCBs are normally regulated under TSCA, and lead (and other hazardous metals which may also be found in the fluff) is potentially regulated under RCRA. Assuming the lead is in concentrations equal to or greater than the extraction procedure (EP) Toxicity value of 5.0 mg/l (see 40 CFR 261.24), the waste is a characteristic hazardous waste subject to Subtitle C provisions. The waste may also be characteristically hazardous for other heavy metals at varying concentrations (E.G., cadmium (1.0 mg/l) and chromium (5.0 mg/l)). Once the waste has been determined to be hazardous, it must either be treated until it no longer exhibits the characteristic (at which time it may be disposed in a Subtitle D facility), or it must be disposed in a RCRA Subtitle C facility. There are not exemptions applicable to shredder fluff.

We have been advised by Alec McBride, Chief of the Technical Assessment Branch, OSW, that for certain waste streams, a sampling and analysis method that accounts for the variability of constituents in the waste stream may be appropriate. One such method is presented in the attached draft guidance document for Municipal Refuse Incinerator Ash. This method, if adopted, may be used to determine the average property of the waste to assess whether the waste is hazardous by characteristic. We may want to consider using such a method to characterize shredder fluff because of the high variability of the constituent concentrations, depending on the feed material for any particular batch of fluff.

Also, should the fluff be determined to be hazardous, it may be subject to the Land Disposal Restrictions under 40 CFR 268.32 if it were to contain halogenated organic compounds (HOCs). Appendix III of Part 268 lists the HOCs (including PCBs) subject to the California list prohibitions, provided that the total HOCs are in concentrations of 1000 mg/kg or greater. Should the fluff be determined to be a hazardous waste and contain HOCs in concentrations equal to or greater than 1000mg/kg, the fluff would have to meet the applicable treatment standard prior to placement on the land. The treatment standard applicable to HOCs is incineration in accordance with the requirements of Part 264 Subpart O or Part 265 Subpart O (or 40 CFR 761.70).

Finally, it should be noted that the so-called "hard hammer" for all hazardous wastes (listed and identified by characteristic as of November 8, 1984) falls on May 8, 1990. Under RCRA Section 3004 (g)(6)(C), unless EPA sets treatment standards that are protective of human health and the environment for a hazardous waste listed or identified (as of November 8, 1984) by May 8, 1990, the waste is prohibited from land disposal. Should the fluff be identified as a hazardous waste, it would have to meet the applicable treatment standard prior to placement on the land in the Fall of 1989, for the last set of wastes subject to the Land Disposal Restrictions.)

Should you need further information, please contact me at 382-4805.

Attachment