

PPC 9441.1984(05)

SCRUBBER BRINE/SLUDGE PRODUCED IN INCINERATION OF A LISTED  
HAZARDOUS WASTE

FEB 19 1984

Mr. Robert E. Blanz  
Deputy Director, Program Operations  
Department of Pollution Control  
and Ecology  
8001 National Drive  
P.O. Box 9583  
Little Rock, Arkansas 72209

Dear Mr. Blanz:

Your letter dated February 15, 1984 asks whether the residue from the treatment of a listed hazardous waste is also a hazardous waste.

In your letter, you correctly interpret 40 CFR 261.3(c)(2) and (d) to mean that the scrubber brine and sludge produced while incinerating listed hazardous wastes are themselves hazardous wastes unless delisted. Where, however, the incinerated waste is hazardous only by virtue of the characteristics identified in Subpart C of 40 CFR 261, then the scrubber brine and sludge are not hazardous wastes if they no longer exhibit any of these characteristics.

In your letter, you mentioned an applicant who uses surface impoundments to store scrubber sludge and brine produced while incinerating listed hazardous wastes. Based on our interpretation of 40 CFR 261.3(1)(2) and (d), the applicant either must attempt to have his sludge and brine delisted or he must have his surface impoundment permitted for hazardous wastes.

If you need any additional information or assistance, please contact Mr. Randy Chrismon at (202) 382-4691.

Sincerely,

Peter Guerrero

RO 12186

Special Assistant to the Director  
Permits and State Programs Division

cc: Bruce Weddle  
Alan Corson