

9453.1993(02)

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

March 23, 1993

Mr. Ron Jones
Environmental Consulting
15 Hollow Road
Watertown, Connecticut 06795

Dear Mr. Jones:

Your January 25th, 1993 letter to Wendy Grieder inquiring whether a characteristically hazardous sludge defined using the TCLP is subject to Federal RCRA export regulations under 262.53 when exported for the purpose of being reclaimed was referred to my office.

Your letter makes specific reference to a recoverable metal bearing baghouse dust or filter cake which qualifies for an exemption from the definition of solid waste under 261.2 and inquires as to whether such secondary materials are subject to RCRA hazardous waste export regulations. A characteristic sludge being reclaimed does not meet the definition of a solid waste under 261.2(c)(3), and therefore may not be considered a hazardous waste. Since 262.53 applies only to wastes that meet the RCRA definition of hazardous waste, it does not apply to characteristic sludges being reclaimed.

Finally, you asked that we take note of the reference to recycling under 262.53(a)(vi). This reference applies to wastes that are defined as hazardous wastes under RCRA and are therefore subject to regulation under 262.53 and that are being exported for recycling operations. It does not refer to characteristic sludges being reclaimed or other secondary materials exempt from the definition of solid waste.

Thank you for your interest in hazardous waste export and recycling regulations under RCRA. If you have any further questions, please contact Denise Wright of my staff at 260-3519.

RO 11734

Sincerely,
Sylvia K. Lowrance, Director
Office of Solid Waste