

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

August 20, 1990

Mr. John Butlin  
Managing Director  
John A. Butlin Limited  
P.O. Box 87  
Altrincham, Cheshire WA15 9QE  
UNITED KINGDOM

Dear Mr. Butlin:

This letter is in response to your letter of May 24, 1990 to the EPA Office of Research and Development and recent telephone calls to me concerning the regulatory status of a shipment of wastes from FMC Corporation, Baltimore, Maryland to Wath Recycling, Ltd. in the U.K. My understanding of the waste and its composition comes from discussions with you, EPA Headquarters personnel, and staff of our Philadelphia, Pennsylvania Regional office (EPA Region III). Specifically, the waste is a copper sludge from pesticide production.

The waste in question is a process waste and does not meet any specific listing description for a hazardous waste under RCRA. The presence of xylene or pesticide constituents as contaminants do not alter this determination in this case.

Also, the waste does not appear to be a characteristically hazardous waste. The only factors that might lead one to believe that the waste may be hazardous are a few measurements showing pH exceeding 12.5. However, the people with whom I have spoken who have seen the waste in question assure me that 1) the high pH measurement cannot be duplicated with a high degree of certainty, and 2) the material does not meet the definition of a "liquid" or "aqueous solution."

While the Agency realizes that the material in question may still pose a threat to human health or the environment, the EPA would not classify this waste as hazardous at this time. Thank you for your inquiry.

Sincerely,

Ron Josephson  
Environmental Engineer  
Listing Section

FaxBack # 11553