

PPC 9441.1996(09)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

October 1, 1996

Mr. T.L. Nebrich, Jr.
Waste Technology Services, Inc.
640 Park Place
Niagra Falls, NY 14301

Dear Mr. Nebrich:

Thank you for your July 8, 1996 letter to Michael Shapiro requesting clarification of the exemption under 40 CFR 261.3(c)(2)(ii)(A) for lime stabilized pickle liquor sludge generated by the iron and steel industry, a waste listed under the Resource Conservation and Recovery Act (RCRA) as KO62.

In your letter, you asked whether the exemption only applies when the lime directly contacts the pickle liquor (prior to dilution in a wastewater treatment system) or whether it could also apply in cases where the lime stabilization is part of a wastewater treatment system that treats other wastes, including pickle liquor rinses. You also asked a question about the status of the resulting sludge if it is characteristically hazardous. I have attached copies of two previous letters from the Environmental Protection Agency (EPA) that address your questions. The Agency's position has not changed since these letters were written.

In a December 28, 1987 letter to the BresLube Group, Marcia Williams (Director of EPA's Office of Solid Waste at that time) responded to a question concerning whether the acceptance of other wastes or treatment of the pickle liquor sludge with other chemicals in addition to lime would affect the regulatory status of the sludge. Williams said that if a company accepts "another listed waste, then the exemption in Section 261.3(c)(2)(ii)(A)

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would not apply; that is, the sludge would be hazardous because it was derived from listed waste other than KO62. However, if the other wastes or other materials are not hazardous, or are only hazardous by characteristic, then the derived-from rule would not come into play and the resulting sludge would only be hazardous if it exhibits one of the characteristics."

In your letter you also asked whether a resulting characteristically hazardous sludge would retain the KO62 hazardous waste listing. The attached June 19, 1990 letter from Linda Cessar of EPA, explains that "stabilized KO62 wastes that continue to exhibit a characteristic remain hazardous, and must continue to be handled as [a] listed KO62 waste."

It is important to point out that since your questions were hypothetical and provided only a general picture of the operation in question, we are unable to determine whether or not there may be certain site-specific factors that could alter our response. Whereas I have tried to respond to your question in general terms, it is also important for you to note that in making determinations about individual facilities it is our policy to defer to RCRA authorized states or to the appropriate EPA regional office. We suggest that you contact the appropriate office for answers to questions pertaining to a particular site or operation.

If you have any questions about this letter, please contact Stephen Bergman of my staff at (703) 308-7262.

Sincerely,

Michele Anders, Chief
Generator and Recycling Branch