

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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Lynn West, Chief
Regulatory Development Section
Office of Solid and Hazardous Waste Management
Indiana Department of Environmental Management
100 North Senate Avenue
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Dear Ms. West,

Thank you for your May 8, 1997 fax requesting clarification of the regulatory status of iron and steel slags and gypsum.

The regulatory status of iron blast furnace slag and basic oxygen furnace and open hearth furnace slag from carbon steel production under the Resource Conservation and Recovery Act (RCRA) is found at 40 CFR 261.4(b)(7) which states that these slags are solid wastes which are not hazardous wastes. Therefore these slags are RCRA solid wastes.

The Agency studied ferrous metal mineral processing wastes in the 1990 Report to Congress on Special Wastes from Mineral Processing. On June 13, 1991, the Agency promulgated a final rule which retained the Bevill exclusion for iron blast furnace slag and basic oxygen furnace and open hearth furnace slag from carbon steel production (See 56 FR 27300). This rule indicated that the management of iron and steel slags under RCRA Subtitle C was unwarranted. This rule did not alter their regulatory status under RCRA Subtitle D as solid wastes.

Your fax requested regulatory clarification on the RCRA status of gypsum. I understand from my staff, based upon recent conversations that they had with you, that you are actually seeking clarification on the regulatory status of flue gas emission control wastes. The regulatory status under RCRA of flue gas emission control waste generated primarily from the combustion of coal or other fossil fuels is also found at 40 CFR 261.4(b)(7). It states that these emission control wastes (which often contain large amounts of gypsum) are RCRA solid wastes which are not hazardous wastes.

If you have any further questions regarding the regulatory status of RCRA special wastes, please feel free to contact Rich Kinch, Chief of the Industrial and

RO 14145

Extractive Wastes Branch at (703) 308-8424.

Sincerely,

Elizabeth A. Cotsworth, Acting Director
Office of Solid Waste