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USE OF ON-SITE PRECIPITATION PROCESS AS AN ACCEPTABLE
PRETREATMENT STEP ADJUNCT TO MERCURY RETORTING

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

June 3, 1993

Ms. Kelly Ewing
Supervisor
Ensco, Field Service Group
P.O. Box 1957
El Dorado, Arkansas 71731

Dear Ms. Ewing:

This letter responds to your letter of May 1, 1993, asking for a letter that approves the use of an on-site precipitation process of specific mercury compounds as an acceptable pre-treatment step adjunct to mercury retorting.

The wastes you discuss in your letter are considered toxicity characteristic for mercury, D009. The land disposal regulations require that D009 high mercury subcategory wastes (greater than 260 mg/kg total mercury) be retorted. Precipitation of mercury into mercury salts is not an alternative treatment process to the recovery of mercury. It is, however, acceptable to use a precipitation process as a pretreatment step to the retorting of mercury wastes. Any residue that exceed 26 mg/kg of mercury from the treatment of the aqueous phase must also be retorted. This pretreatment step cannot be used to avoid the D009 retorting treatment standard.

You also asked us to clarify if your pre-treatment process for mercury wastes destined for retorting may require an EPA or state permit. EPA does not issue RCRA permits for hazardous wastes treatment on a national level. By law, RCRA permits must be considered on a site-specific basis and in most cases these permits are issued by authorized states.

A generator may be able to pre-treat their mercury wastes in

tank units pursuant to the generator accumulation exemption of 40 CFR §262.34. (See also March 24, 1986, 51 FR (10168)). This provision allows for generators of hazardous wastes to treat or store such wastes in tanks for short periods of time (i.e., 90 days) without obtaining a RCRA permit, provided that all the conditions of 40 CFR §262.34 are met, including compliance with specific tank or container standards in 40 CFR 265 and compliance with all the waste analyzing plan provisions for treating land ban wastes in 40 CFR §268.7(a)(4)(i)-(iii). In many cases, precipitation operations may be considered tank units under RCRA and might be eligible for this exemption. However, you should consult with the appropriate state program regarding this exemption because individual state requirements may be different from the Federal program.

I hope this letter adequately answers your questions. If you have further questions, please contact Jose Labiosa at (703) 308-8464.

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