PPC 9441.1984(31)

SPENT PICKLE LIQUOR SLUDGE, LIME-STABILIZED, IN IRON AND STEEL AND PORCELAIN ENAMELING INDUSTRIES

OCT 25 1984

Tom Carlisle
Division of Solid and Hazardous
Waste Management
State of Ohio Environmental
Protection Agency
361 East Broad Street
Columbus, Ohio 43216-1049

Dear Mr. Carlisle:

This letter responds to your inquiry of October 5, 1984, regarding further clarification of the Federal Register notice pertaining to lime-stabilized waste pickle liquor sludge (LSWPLS) from the iron and steel industry (June 5, 1984).

Each point raised in your letter and our responses are outlined below. Please keep in mind, however, that the Porcelain Enamel Institute has filed a petition for review against the Agency (August 24, 1984) regarding our interpretation of the spent pickle liquor listing.

1) Although the June 5 exclusion applies only to iron and steel industries (SIC codes 331 and 332), Mid-West Fabricating Company (SIC code 3714) received notice from EPA that the exclusion applied to LSWPLS generated at their facility.

> The Agency is aware that due to computer error a few facilities listed in the June 5 notice are not actually in the iron and steel industry. At this time, we are working to identify these facilities and to determine a course of action. At a minimum, we would expect to notify them in writing of the error and inform them that their LSWPLS is not excluded by our decision on June 5, 1984.

2) How does EPA interpret the term "moot" as it pertains to delisting petitions submitted to exclude LSWPLS generated

from the iron and steel industry?

EPA used this term in stating that site-specific delisting petitions submitted by the iron and steel industry (to exclude LSWPLS) no longer require Agency Action since the June 5, final rule automatically excludes these waste from regulation (effective December 5, 1984). Administrative procedures dictate that comments are not solicited when rules are promulgated in final form.

3) Data from delisting petitions submitted by the iron and steel industry, as cited in the June 5 notice include at least four facilities from industry categories other than iron and steel (Quanex Fabricating, Olin Corporation and Union Carbide). How can this data be used to support a rulemaking for the iron and steel industry, and are these petitions also considered moot by the rulemaking?

Data from the Hazardous Waste Data Management System indicates that Union-Carbide (Ohio) - SIC codes 3115, 3471, 3486, 3398; Olin Corporation (Conn.) - SIC codes 3116, 3351, 3356; and Quanex Corporation (Michigan) - SIC code 3317 are within the iron and steel industry or have processes that generate spent pickle liquor and are in the SIC code (i.e., 331 and 332) covered by the oxclusion. Since EPA data conflicts with your data, I suggest someone from your staff contact Jacqueline Sales, of my staff, at (202) 382-4770 to further discuss this matter.

4) You state that although fifty percent of porcelain enamelers have notified as generating K062, this does not indicate general knowledge of the broad applicability of the listing since many of these notifiers are "protective filers." You further state that the spent pickle liquor listing should have been listed generically under §261.31 if it was intended to apply to industries other than iron and steel.

The Agency has always interpreted the listing to include spent pickle liquor generated from all steel finishing industries regardless of industry category. This is the plain sense of the k062 listing, which applies to waste from steel finishing operations. As a matter of fact, we have taken action on several delisting petitions from industries other

than iron and steel. At this time, however, we believe it prudent not to elaborate further on this issue until we have litigated the suit filed by the Porcelain Enamel Institute.

5) It is not clear what portion of the waste stream has been excluded from regulation (i.e., does the exclusion apply to both the supernatant and sludge, or to the waste pickle liquor at the moment it is lime stabilized).

The exclusion applies only to the sludge from lime treatment of waste pickle liquor. As a practical matter, this means that the sludge is considered non-hazardous and may be disposed of in a Subtitle D or municipal landfill. However, the supernatant from the treatment of this waste remains a hazardous waste, unless delisted. Therefore, the exclusion does not apply to the entire waste stream.

I trust that this letter adequately addresses your concerns. Should you have questions or require additional information, please call Jacqueline Sales, of my staff, at (202) 382-4770.

Sincerely,

Original Document signed

Eileen M. Claussen
Director
Characterization and Assessment Division
(WH-562B)