

9441.1987(42)

June 9, 1987

_____ Hubbard
Colonel, General Staff
Deputy Chief of Staff for Engineering, Housing and Installation Logistics
Department of the Army
Headquarters, U.S. Army Material Command
5001 Eisenhower Avenue
Alexandria, VA 22333-001

Dear Colonel Hubbard:

This letter is in response to your letter (dated May 4, 1987), the letter from David Eaton (dated March 3, 1987) and my discussion with Major Cabellon on May 12, 1987, regarding the applicability of the use/reuse exclusion (40 CFR 261.2(e)(1)) to red water (EPA Hazardous Waste No. K047) that is recycled. As I explained to Major Cabellon, the use/reuse exclusion does not apply to the red water that is generated at the Radford Army Ammunition Plant (RAAP) and sold to the Champion Paper Company located in Canton, North Carolina, since it is not directly used; rather, as I understand the process, sodium sulfite that is contained in the red water is first recovered before it is used/reused. In addition, as it is stated in Mr. Eaton's letter, the red water is also used for its calorific properties (i.e., as a fuel). Under the hazardous waste regulations, any spent material, sludge, or by-product that is listed and reclaimed and/or used as a fuel is considered a solid and hazardous waste. See 40 CFR §261.2(c)(2) and (c)(3). Thus, the example described on page 2-152 to 2-153 of the EPA "Guidance Manual on the RCRA Regulation of Recycled Hazardous Wastes" appears to be incorrect.

Please feel free to give me a call at (202) 475-8851 if you have any further questions.

Sincerely,

Matthew A. Straus
Branch Chief
Waste Characterization Branch

cc: Solid Waste Management Branch Chiefs (Regions I-X)

RO 11253