

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

APRIL 19, 1989

Mr. Kenneth A. Pendleton
K. A. Pendleton Co., Inc.
10869 Sharondale Road
Cincinnati, Ohio 45241

Dear Mr. Pendleton:

This letter responds to your February 13, 1989 request for clarification of the regulatory requirements for F006 electroplating sludge generators that choose to stabilize their wastes on-site. Although your letter does not state what type of processes are involved, phone conversations before and after receiving your letter indicate that you are referring to the addition of stabilizing compounds prior to the thermal drying of the F006 sludge.

The activity you described does constitute treatment as defined at 40 CFR 260.10. However, a RCRA treatment permit may not be required if the generator or facility is specifically excluded from RCRA permit requirements under 40 CFR 270.1(c)(2). Also, a RCRA permit may not be required for a hazardous waste generator conducting a treatment activity in a generator accumulation tank or container in compliance with 40 CFR 262.34 (see 53 FR 10168). I did not receive sufficient information on the specific process to determine whether this activity would be exempt, or whether it would require a RCRA permit as thermal treatment.

I encourage you to contact the appropriate EPA Regional office or State regulatory agency to determine whether the specific activity requires a permit. Also, you should be aware that State regulatory agencies may have applicable regulations that differ from Federal regulations and, therefore, the State agency should also be contacted.

If you should have any further questions regarding general regulatory requirements, you may contact the RCRA Hotline at 1-800-424-9346 or Mitch Kidwell, of my staff, at (202) 382-4805.

Sincerely,

Robert W. Dellinger, Chief
Waste Characterization Branch