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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

MAR 10 1988

Michel Bouchard, ing.
Industry Information
Centre de Recherche Industrielle du Quebec
333, rue Franquet
Case postale 9038
Sainte-Foy (Quebec) CANADA G1V 4C7

Dear Mr. Bouchard:

This is in response to your letter to Jon Greenberg dated January 4, 1988 and your telephone conversation with Ron Josephson on January 22 and 29, 1988. In particular, we are providing a regulatory interpretation concerning the management of stainless steel production residues as they would be controlled under the U.S. Federal hazardous waste regulations. The regulations we are citing below can be found in the U. S. Code of Federal Regulations, Title 40, Parts 260 and 261 (abbreviated as 40 CFR 260 or 40 CFR 261).

Dusts or sludges from the emission control systems of electric arc furnaces used in the primary production of steel, where the furnace is not used solely for casting, are considered listed hazardous wastes with the EPA code K061 under 40 CFR 261.32. Should this waste be processed through the chromium and nickel extraction process that you describe in your letter, the remaining residues are still considered hazardous wastes because they are derived from a hazardous waste. (See 40 CFR 261.3(c)(2)(i).) Other wastes from electric arc furnaces that do not exhibit hazardous characteristics (see 40 CFR 261 Subpart C) are not considered hazardous as long as they are not mixed with dust or sludge from the emission control system.

If the generator feels that the residue from the chromium and nickel extraction is not hazardous (i.e. does not exhibit the hazardous characteristics of ignitability, reactivity, corrosivity, or extraction procedure (EP) toxicity described in 40 CFR 261.20-261.24), then he may apply for an exemption, or "delisting petition." (See 40 CFR 260.20-260.22) Should such a petition be granted, the residue from these facilities would no longer be considered hazardous.

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If you have any further questions, please contact Ed Abrams on my staff at (202) 382-4787.

Sincerely,

Original Document signed

Jeffery D. Denit
Acting Director
Office of Solid Waste