

9444.1985(17)

PICKLE LIQUOR AND SCOPE OF K062 LISTING

OCT 3 1985

Honorable Virginia Smith  
House of Representatives  
Washington, D.C. 20515

Dear Ms. Smith:

I have reviewed EPA's classification of spent pickle liquor as a hazardous waste as you requested in your September 12, 1985, letter to the Administrator. However, the Agency has taken the position that spent pickle liquor from any source, including hot dip galvanizing, is a listed hazardous waste (it is listed in the regulations as K062). This interpretation is consistent with the letter from Jack McGraw (then Acting Assistant Administrator for Solid Waste and Emergency Response) to Mr. Satterfield on April 10, 1985. In that letter, Mr. McGraw stated that hot dip galvanizing is excluded from the electroplating category; however, no such statement was made with respect to the pickle liquor waste.

I should point out, however, that a number of companies, especially those in the porcelain enamel industry, have taken exception to this view. In fact, a law suit was filed by the Porcelain Enamel Institute (PEI) disputing the Agency's application of the K062 listing beyond the Iron and Steel Industry. As a result of this suit and a rulemaking petition filed by several members of PEI, the Agency recently requested comments on the Agency's application of the K062 listing. This request for comment appeared in the Federal Register on September 10, 1985. I have included a copy of this notice for your convenience.

In the notice, you will find a discussion of the issues and background information on the Agency's position. Since the comment period is now open, Mr. Soderquist may make any comments he believes appropriate about the K062 listing. I can assure you that all comments will be evaluated as part of the Agency's rulemaking procedure.

The delisting mechanism is also an alternative; it need not take three to four years. The time it takes for processing a delisting is directly dependent upon our receiving a complete delisting petition from the company filing the petition. We recently published a guidance document (EPA/530-SW-85-003) to help petitioners file complete petitions. This document is available from the National Technical Information Service.

I realize that compliance with EPA's regulations may be costly, however, we believe that the costs are justified in order to protect our ground-water resources.

I thank you for your concern in this matter. If Mr. Soderquist or you would like any additional information, please contact Mr. James Poppiti at (202) 382-4788.

Sincerely yours,

Original Document signed

J. Winston Porter  
Assistant Administrator

Enclosure