

9443.1986(11)

MAY 12 1986

Mr. William R. Blackburn
Travenol Laboratories, Inc.
Deerfield, Illinois 60015

Dear Mr. Blackburn:

This is in response to the letters you have submitted to the Agency in which you raise a number of questions for our consideration. First, let me apologize for the time it has taken to respond to your letters; I hop this has not created any problems for you. You first request that we confirm that the deionization (DI) acid that is generated at Travenol's plant in Cleveland, Mississippi is not a waste. Based on the information provided, 1/ we agree with you that the DI acid is not a waste, and therefore, is not subject to the Federal hazardous waste, rules, In particular, before a material can be a hazardous waste, on must first determine whether the material is a solid waste. In general, corrosive materials that are neutralized are normally considered wastes. However, where such corrosive materials can be shown to: (1) meet relevant specs with regard to contamination levels, (2) be as effective as the virgin material for which they substitute, and (3) be used under controlled conditions, we believe such materials may not be wastes. The information provided in your letters clearly indicate that the DI acid generated at your Cleveland plant is beneficially reused and, therefore, is not a waste. As a result, this material is not subject to Federal hazardous waste rules. This material would be subject, however, to any State regulations.

With respect to your request regarding the exclusion and whether it applies retroactively under the old regulations, we believe that since the DI acid has always been beneficially

1/ See letters dated: November 14, 1985, from William R. Blackburn to Jack Lehman; December 5, 1985, rom Michael Smith to Robert Tonetti; January 13, 1986, from Michael Smith to Matthew Straus; February 6, 1985, from William R. Blackburn to Matthew Straus; and April 17, 1986, from Michael Smith to Matthew A. Straus.

-2-

recycled and since this acid is neither listed nor a sludge, this material is not now (and has never been) subject to regulation. Therefore, Travenol does not need to go through closure for this impoundment; we have discussed this interpretation with our Office of General Counsel and they agree. Finally, you requested written explanation as to why no hazardous waste permit is required to dispose of the alcohol to the drain; a verbal response was provided to you by Ms. Irene Horner. A written response, however, has been prepared and should be sent to you shortly.

Please feel free to give me a call if you have any further questions.

Sincerely,

Original Document signed

Marcia E. Williams
Director
Office of Solid Waste

RO 11154