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Ms. Shirlee Schiffman, Chief
Bureau of Hazardous Waste Regulation
and Classification
State of New Jersey
Department of Environmental Protection
401 East State Street
Trenton, NY 08625

Dear Ms. Schiffman,

This is in response to your letter of June 10, 1987, in which you requested our interpretation on several issues involving electroplating rinsewaters. Specifically, you requested confirmation of your conclusions drawn as a result of your telephone conversations with Mr. David Topping, of my staff. In addition, you requested our answers to five specific questions relating to the hazardous waste/non-hazardous waste status of used ion exchange resins that were used to treat electroplating rinsewaters.

First, I would like to respond to the two questions you discussed with Mr. David Topping. In particular, I agree with your conclusions that: 1) rinsewaters from electroplating operations were not meant to be included in the F009 listing (spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process), and 2) residual droplets of stripping, cleaning, or electroplating solutions present on the metal would not make the rinsewaters hazardous by the "mixture rule" when the metal parts are rinsed off. In the first case, rinsewaters are not considered spent stripping or cleaning bath solution; in the second case, trace amounts of plating batch solutions that are carried over to rinse tanks are not considered to be a solid waste mixing with another solid waste. These materials are in use and are not wastes until they are spent and removed from the process. The remaining questions will be answered in the same order that they are presented in your letter:

1. Your first question asks "can a wastewater treatment system which only is treating a non-hazardous electroplating waste (such as rinsewaters) produce an F006 listed hazardous waste?" The answer to this question is yes; the sludge from the treatment of electroplating wastewater contains toxic metals at concentration many times higher than their concentration in the wastewaters themselves. It should also be noted that although electroplating rinsewaters are not specifically listed

in 40 CFR 261 Subpart D, they may exhibit a hazardous waste characteristic (EP toxicity) under 40 CFR 261 Subpart C for certain toxic metals.

2. Your second question asks "would an ion exchange canister which has been used to capture metals and cyanide from non-hazardous electroplating rinsewaters only, be considered to contain wastewater treatment sludges from electroplating operations (EPA Hazardous Waste No. F006)?" The answer to this question also is yes. Section 260.10 of 40 CFR defines sludges as "any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or effluent from a wastewater treatment plant." Thus, any residuals generated from treatment of wastewaters from electroplating operations for pollution control would be considered an F006 listed waste.
3. Your third question asks "is the ion exchange resin, which is similar in function to activated carbon (i.e., used to remove pollutants from wastewaters), considered a 'sludge' in this situation? Once again, the answer is yes for the same reason given above.
4. Your fourth question asks "do rinsewaters from electroplating operations fall within the scope of any listed hazardous wastes?" The answer to this question is no; electroplating rinsewaters are not a listed hazardous waste under 40 CFR 261, Subpart D. However, as I indicated earlier, electroplating rinsewaters may exhibit a hazardous waste characteristic under 40 CFR 261, Subpart C.
5. Your fifty question asks "does the 'mixture rule' apply to rinsewaters from electroplating operations due to the presence of 'residual droplets' of stripping, cleaning, or electroplating solutions?" This question was answered previously,

If you have further questions relating to this subject please feel free to call Mr. Edwin F. Abrams at (202) 382-4787.

Sincerely,

Matthew A. Straus, Chief
Waste Characterization Branch