

9444.1988(07)

April 7, 1988

MEMORANDUM

SUBJECT: Regulatory Interpretation Assistance Request-
Determination for Viability of "F-Waste" Electroplating
(F007-F009) Listings at Lewis Industries, Inc.

FROM: Sylvia K. Lowrance, Director (WH-562)
Office of Solid Waste

TO: David A. Wagoner, Director
Waste Management Division, Region VII

This is in response to your memorandum dated December 31, 1987 in which you request guidance as to whether rinsewaters that are generated by electroplating operations are regulated as hazardous wastes under RCRA. Specifically, you describe the electroplating process at Lewis Industries, Inc., located in Kansas City, MO, and inquire if the rinsewaters generated by their operations might be listed hazardous wastes according to 40 CFR 261.31. As your analysis of the listing background document to 40 CFR 261.31 correctly indicates, rinsewaters from electroplating operations are not within the scope of the F007, F008, or F009 hazardous waste listings. Rather, these rinsewaters would only be considered hazardous under these specific listings if the F007, F008, or F009 is deliberately mixed with the rinsewaters from electroplating operations. (See 40 CFR 261.3(b)(2).)

During the plating process, rinsewaters may be contaminated with cyanides carried over from plating or cleaning bath solutions. The mixture rule applies when a hazardous waste is mixed with a solid waste. (See 40 CFR 261.3(a)(2)(iv).) The rinsewaters are not a solid waste when they become contaminated; therefore, these rinsewaters would not be hazardous waste due to the mixture rule. In addition, based on the available data that you submitted, the rinsewaters do not exhibit any of the characteristics of hazardous waste set forth in 40 CFR 261 Subpart C. Therefore, the rinsewaters generated by Lewis Industries, Inc., would not be designated as hazardous waste under RCRA. Please feel free to contact Mr. Ed Abrams at FTS 382-4787 if you or your staff have any further questions.

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