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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUL 29 1988

Mr. Sol L. Colon
Environmental Quality Official
Western Fher Laboratories, Inc.
P.O. Box 7468
Ponce, P.R. 00732

Dear Mr. Colon:

I am writing in response to your letter dated June 13, 1988, in which you requested our interpretation of the hazardousness of a waste generated and treated at your facility in Ponce, P.R. Also, you requested confirmation that your treatment process does not require a RCRA permit.

Specifically, you treat a liquid waste containing about 18% acid and 1% organic material by evaporating some of the water (which is condensed and sent to the facility's wastewater treatment plant) and transferring the concentrated acid solution to a concrete mixer where it is mixed with kiln dust to form a dry solid for disposal.

On July 8, 1988, Ed Abrams, a member of my staff, telephoned you to determine the composition of the 1% organic component of your waste and the type of kiln dust. Your response identified the organic materials as organic acids such as oxolic and tartaric acids, and not organic solvents. Also, you identified the kiln dust as cement kiln dust, a solid waste which is not a hazardous waste (see 40 CFR 261.4(b)(8)).

Assuming that your liquid waste being treated is only characteristically hazardous because of corrosivity, the dry waste generated from the treatment would not be considered hazardous if it does not exhibit any of the characteristics of hazardous waste (see 40 CFR 261.20-24), but your operation would be considered treatment of a hazardous waste. However, since it is being done at the site of waste generation in tanks, a RCRA permit would be required only if you stored your waste for periods exceeding 90 days prior to treatment. If treatment was being done off site, a RCRA storage permit would be required in any case.

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If you require additional information, please contact either Mr. Angel Chang in EPA Region II, or Mr. Ed Abrams of my staff at (202) 382-4787.

Sincerely,

Devereaux Barnes
Director,
Characterization and Assessment
Division

cc: Mr. Angel Chang, (2AWM-SW Rm 1000)
EPA Region II
26 Federal Plaza
New York, NY 10278