

9444.1989(08)

August 21, 1989

Mr. Stephen J. Evans
Environmental Engineer
Modine Manufacturing Company
1500 De Koven Avenue
Racine, Wisconsin 53403

Dear Mr. Evans:

This letter is in response to your letter dated August 3, 1989, in which you ask for classification, under the Resources Conservation and Recovery Act (RCRA), of wastewater treatment sludges resulting from your metal cleaning process.

Your first and foremost question is whether the sludge generated from the treatment of process wastewaters resulting from your metal cleaning process meet the listing description for RCRA Hazardous Waste No. F006. Based on the information in your letter, Modine's cleaning operation is not associated with electroplating. If this is the case, then the sludges generated from treating these cleaning baths (in a wastewater form) are not considered RCRA Hazardous Waste No. F006. This is based on the fact that cleaning is a separate and distinct process from chemical etching and milling. (See EPA's publication Development Document for Existing Resource Pretreatment Standards for the Electroplating Point Source Category, August 1979, publication No. EPA440/1-79/003, pages 41 and 42 for the definitions of chemical etching and milling. Note that this document was referenced in the background document for the F006 listing). as the December 2, 1986 Federal Register (51 FR 43350) states, "The F006 listing included only common and precious metals electroplating, anodizing, chemical etching and milling, and cleaning and stripping when associated with these processes." This continues to be EPA's policy; cleaning must be associated with one of these three processes in order to be included in the listing description for Hazardous Waste No. F006.

Your second question relates to whether an electrical current is a prerequisite for a process to generate an F006 sludge. The application of an electrical current is not a prerequisite; chemical etching, for example, does not involve the application of an electrical current, but sludges generated by treating wastewater from a chemical etching process are included in the F006 listing. Unfortunately, the interpretation mentioned in your letter that you received from the RCRA Hotline on May 15, 1989 relative to this question was incorrect.

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As you mention in your letter, however, the sludge generated in your wastewater treatment process may be characteristically hazardous (e.g., EP toxic); it is the generator's responsibility to determine whether his/her waste exhibits one or more hazardous waste characteristics as defined in 40 CFR Subpart C of Part 261.

Please be aware that many states have been authorized to run their own RCRA programs. State regulations may be more stringent or broader-in-scope than Federal regulations so you should always contact the appropriate state agency.

Should you have any additional questions, please feel free to contact David Topping or my staff at (202) 382-7737.

Sincerely,

Devereaux Barnes, Director
Characterization and
Assessment Division

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