

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

July 21, 1994

Mr. Greg Weisjahn
Environmental Affairs Manager
U.S. Filter Recovery Services, Inc.
2430 Rose Place
Roseville, MN 55113

Dear Mr. Weisjahn:

In your letter of January 18, 1994 you request a federal EPA interpretation for ion exchange resins when used for water reuse on electroplating wastewaters. In your letter you state that you are seeking clarification on previous EPA correspondence which indicated that these resins were considered to be sludges under the federal regulatory definition at 40 CFR §260.10. Therefore, these resins would meet the listing description of these materials as hazardous wastes as F006, wastewater treatment sludges from electroplating operations. 40 CFR §261.31. Your letter asks for clarification if the status of the ion exchange resins as an F006 sludge changes if: 1) instead of being situated just prior to discharge the resins are placed upstream in the operation just after the wastewaters become contaminated with metals and 2) the treated wastewaters are reused in the process rather than discharged. You also ask if filters and resins used to treat rinsewater are F006 even if they do not exhibit characteristics for a hazardous waste as specified at 40 CFR Part 261 Subpart C.

I understand from your prior conversations with my staff that some of your customers have argued that the ion exchange resins would not be considered sludges if the treated wastewaters were reinserted back into the process rather than discharged into a POTW or surface water. Some of your customers assume that because the treated wastewaters are reinserted into the process instead of discharged that this is reclamation of process water rather than pollution control. They contend that the ion exchange resins do not meet the definition of sludge. Their interpretation is incorrect. The definition of sludge at 40 CFR 260.10 is "any solid, semisolid or liquid waste generated from a municipal, commercial or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility, exclusive of the treated effluent from a wastewater treatment plant." Thus, the definition of sludge is tied to the type of unit the waste was generated in, not the disposition of treated effluent from the unit or the intent of processing. Since the rinsetank is a wastewater treatment unit, it is irrelevant whether the treated effluents are discharged or reused in the process or if the "intent" of the process is to reclaim or treat the water.

Even if treated or reclaimed wastewater is reinserted into the process, the act of treating this water by removing contaminants from the water is still considered to be pollution control. The act of removing contaminants from rinsewaters is a type of pollution control. Therefore, the used ion exchange resins containing these contaminants are pollution control residuals and meet the definition of a sludge as specified in 40 CFR §260.10.

In response to your question about whether ion exchange resins used to treat wastewaters from electroplating operations are still considered to be F006 even if they do not exhibit any of the hazardous waste characteristics specified at 40 CFR Part 261 Subpart C, the answer is yes. The Agency's position has not changed. The ion exchange resins are still considered F006 even if they do not exhibit a characteristic specified at 40 CFR Part 261 Subpart C. (See May 5, 1987 letter from Edwin Abrams to William C. Duncan).

Please be aware that under Section 3006 of RCRA (42 U.S.C. Section 6926) individual States can be authorized to administer and enforce their own hazardous waste programs in lieu of the Federal program. When States are not authorized to administer their own program, the appropriate EPA Regional office administers the program and is the appropriate contact for any case-specific determinations. Please also note that under Section 3009 of RCRA (42 U.S.C. Section 6929) States retain authority to promulgate regulatory requirements that are more stringent than Federal regulatory requirements.

I hope that this letter sufficiently responds to your questions and concerns. If you have any further questions or comments, please contact Paul Borst of my staff at (202) 260-6713.

Sincerely,

David Bussard, Director
Characterization and Assessment Division

