

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

September 18, 1992

MEMORANDUM

SUBJECT: Request for Clarification on F019 Waste Determination

FROM: Sylvia K. Lowrance, Director  
Office of Solid Waste

TO: Robert L. Duprey, Director  
Hazardous Waste Management Division

This memo has been prepared in response to your request of January 8, 1992 for assistance on a F019 waste characterization issue at the Martin Marietta facility in Denver, Colorado.

After review of the information provided to us on the layout of Martin Marietta's wastewater treatment facility which shows waste stream information, we continue to agree with your initial determination that the tertiary treatment sludges generated as a result of lime precipitation, as well as sludges created in the aeration pond following this precipitation, are F019 listed hazardous wastes.

The basis for this conclusion is that, for the purposes of the RCRA hazardous waste listings, wastewaters from an industrial process retain their identity regardless of the level of prior treatment. Concentration-based standards established under the Clean Water Act are not a factor. Likewise, commingling of a process wastewater with other wastewaters does not change the RCRA status of subsequently formed treatment sludges. Therefore, wastewater treatment sludges from the Martin Marietta conversion coating operation continue to be F019 wastes regardless of where in the wastewater treatment train (e.g., "industrial" or "tertiary") they are generated.

However, it is important to recognize that these wastes may contain very low concentrations of hazardous constituents. If this is the case, then we would hope that the newly proposed Hazardous Waste Identification Rule (HWIR) will, in the future, provide an exemption to these low concentration wastes.

If you have any questions regarding this matter, please contact David Bussard, Director, Characterization and Assessment Division at FTS 260-4637 or have your staff contact David J. Carver on FTS 260-6775.

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