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RCRA/SUPERFUND HOTLINE SUMMARY

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6. Clarification of F019 Listing and Applicability to Other Wastewater Treatment Sludges

A manufacturing process involves the chemical conversion coating of aluminum. Wastewaters from this process are treated and a sludge results that meets the F019 listing in 40 CFR Section 261.31. Treatment of the wastewaters generates a less dense liquid settlement overlying the listed sludge. Will this supernatant carry the F019 waste code as well?

The resulting supernatant will not be considered F019 because it is the wastewater from which the sludge was formed, and because the wastewater is not itself listed. The F019 listing applies to the sludge produced from treating wastewaters from the chemical conversion coating of aluminum. The hazardous constituents present in the influent wastewater settle out and concentrate in the sludge. Therefore, it is this sludge which the Agency regulates as listed hazardous waste F019. The treatment of any wastewaters may preserve an aqueous supernatant from the wastewater. The supernatant will be considered a hazardous waste if it exhibits one or more of the characteristics of hazardous waste set forth in 40 CFR Part 261 Subpart C, or if some relevant act of mixing of the wastewater with the listed sludge occurs.

A discussion of F006 sludge and supernatant in the August 17, 1988, Federal Register (53 FR 31153) has direct applicability to this situation. The discussion states that "filtrate from F006 sludges could be hazardous under the derived-from rule" as could be the case with filtrate from F019 sludges, and any other listed wastewater treatment sludges. There may be cases during wastewater treatment in which hazardous constituents that have settled out of wastewaters into a listed sludge become recombined and resuspended in the supernatant, resulting in a derived-from hazardous waste. This uncommon situation will generally occur due to improper design or malfunction of a wastewater treatment system. In these cases, the burden of proof will be on the Agency to prove that hazardous constituents in the sludge have become commingled with the supernatant. The preamble goes on to say that if the filtrate is similar in identity and constituent concentration to the influent wastewater

to the wastewater treatment process, it is not considered to be a derived-from hazardous waste. Rather, it will be viewed as the original influent wastewater. These situations will be addressed by the Agency on a case-by-case basis.

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