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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

NOVEMBER 1990

1. Mixture Exclusion

A generator meets the mixture rule exclusion of 40 CFR Section 261.3(a)(2)(iv)(A), by proving that the concentrations of trichloroethylene in his waste stream before it enters the headworks of his wastewater treatment facility is below one part per million. This wastewater treatment facility produces a sludge which exhibits a hazardous characteristic. Does the mixture rule exclusion also apply to the sludge produced in the generator's wastewater treatment facility? Or is this sludge a newly-generated hazardous waste subject to full RCRA regulation?

A sludge generated from a wastewater that meets all of the criteria specified in Section 261.3(a)(2)(iv) would be exempted from the hazardous waste listing because the original wastewater mixture became exempt at the headworks of the WWTF. The exemption prevents the and derived-from rules from operating for certain listed wastes. (They can only apply when the original material is a hazardous waste.) In addition, the mixture rule exemption would not apply if the wastewater met another listing.

## 1. Mixture Exclusion (Cont'd)

The sludge, moreover, might be a hazardous waste for other reasons. For example, the exemption criteria in Section 261.3(a)(2)(iv) are carefully limited. They do not apply to any waste that exhibits a hazardous waste characteristic.

Consequently, as the question already states, the sludge would be a hazardous waste if it failed any of the characteristic tests.

Source: Ron Josephson, OSW (202) 475-6715  
Research: Kenneth Sandler, GRC