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

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

December 23, 1996

T. L. Nebrich, Jr., CHMM
Technical Director
Waste Technology Services Inc.
640 Park Place
Niagara Falls, NY 14301

Dear Mr. Nebrich:

This is in response to your October 28, 1996 facsimile which requests a clarification of the exclusion for lime stabilized waste pickle liquor sludge (LSWPLS) derived from the iron and steel industry referenced in the 40 CFR 261.3(c)(2)(ii)(A). During a follow-up telephone conversation with Shen-yi Yang of my staff on November 5, 1996, you specifically requested an interpretation as to whether a sludge generated from lime treatment of a mixture of K062 (spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332)) and a characteristic hazardous waste qualifies for the exclusion.

As you and Shen-yi Yang discussed in your recent telephone conversation, the exclusion only applies to LSWPLS generated by the iron and steel industry and not to commercial hazardous waste treatment facilities. This interpretation was made clear in the May 28, 1986 final rule (see 51 FR 19320). The exclusion is restricted to pickle liquor sludges generated by lime stabilization processes of the type used in the iron and steel industry to treat spent pickle liquors from the iron and steel industry. These spent pickle liquors can be commingled with other iron and steel industry wastes prior to lime treatment and still qualify for the exclusion. However, they cannot be mixed with wastes from other sources outside the iron and steel industry and qualify for the exclusion.

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You also ask whether the K062 designation still apply if the resulting LSWPLS is characteristically hazardous. Any LSWPLS which continues to exhibit one or more of the hazardous waste characteristics fails to meet the 40 CFR 261.3 (c)(2)(ii)(A) requirement for exemption. Therefore, stabilized K062 wastes that continue to exhibit a characteristic remain hazardous, and must continue to be handled as the listed K062 hazardous wastes.

I realize you originally raised these questions on your letter dated July 8, 1996, and I apologize for the lateness of this reply. Should you have any question regarding this matter, please contact Shen-yi Yang of my staff at (703)308-0437.

Sincerely yours,

Michael Shapiro, Director
Office of Solid Waste