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

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

August 30, 1996

Ms. Kelly V. Camp
Senior Project Manager,
Environmental Science Services
532 Atwells Avenue
Providence, Rhode Island 02909

Dear Ms. Camp:

This is in response to your letter of August 6, 1996 addressed to Michael Shapiro, Director of the Office of Solid Waste. Your letter requests on behalf of a client that the Agency determine whether a certain "aluminum powder preparation process" is considered chemical conversion of aluminum, and whether the wastewater treatment sludge from this process is considered Hazardous Waste No. F019. You stated that this sludge is currently managed as F019.

In the letter you indicated that your client's "aluminum powder preparation process" (encompassing two different surface treatment/preparation operations using different chemicals on aluminum) does not involve chromating, metal coloring, immersion plating, or phosphating as defined in the F019 listing background document. You also indicated that chromium and cyanide (the constituents that were the basis for the F019 listing) are not used in this process and, therefore, the wastewater treatment sludge from the process should not be classified as an F019 waste. In support of the latter argument, you submitted the results of a recent analysis of one sludge sample showing that no TCLP metals were detected.

We first note that the F019 listing definition covers all wastewater treatment sludges from the chemical conversion coating

of aluminum, except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process. As discussed in the 55 FR 5340 (February 14, 1990) rule that amended the definition of F019 to exclude wastewater treatment sludges from zirconium phosphating of aluminum cans, we acknowledge there may be other industry wastes that do not contain particular hazardous constituents (e.g., chromium, cyanide) and do not exhibit any hazardous waste characteristics. However, such other wastes were not addressed in the February 14 exclusion rule as we did not have supporting data to review. Thus, other wastewater treatment sludges from the chemical conversion coating of aluminum, regardless of their composition and constituent concentrations, continue to be captured by the broad F019 listing definition unless and until delisted under 40 CFR 260.20 and 260.22.

Furthermore, we do not believe that your interpretation of the scope of the F019 listing given in the background document for electroplating and metal finishing operations (F006 and F019) is correct. Although the "aluminum powder preparation process" does not utilize any chromate compounds, it does involve phosphating (but not zirconium phosphating) to deposit a layer of phosphate for surface preparation. This meets the general description in the F019 listing background document that "phosphate conversion coatings produce a mildly protective layer of insoluble crystalline phosphate on the surface of a metal." Moreover, based on the limited information you provided, it is unclear if any other manufacturing or metal finishing operations precede or combine with the "aluminum powder preparation process", or if any of those operations may fall into the category of chemical conversion coating; and if chromium or cyanide from any other sources enters the process at issue.

I suggest that you contact the State regulating authorities to confirm whether or not the sludge generated by your client is considered F019. In addition, if your client believes its sludge is nonhazardous, the hazardous waste delisting process is available to ease the regulatory burdens. A delisting petition would be filed with either the State or the EPA Regional Office depending on the location of the facility in question.

If you have further questions concerning this matter, please

feel free to contact Chichang Chen of the Waste Identification Branch at (703) 308-0441.

Sincerely,

David Bussard, Director
Hazardous Waste Identification Division

cc: William Brandes
Chichang Chen