

Mr. Gregory Montello
Environmental Health and Safety Coordinator
Goodrich Aerospace
Walbar Specialty Processing
Peabody Industrial Center
P.O. Box 3369
Peabody, MA 01961-3369

Dear Mr. Montello:

Thank you for your letter of June 1, 2000 to Administrator Carol Browner, transmitting your rulemaking petition on the aluminizing powder waste stream generated by your company to the EPA. Your petition seeks regulatory changes to exclude this waste from regulation as hazardous waste under the Environmental Protection Agency's (EPA's) "trivalent chrome exclusion" at 40 CFR 261.4(b)(6)(ii). Your letter has been referred to me for reply because the Office of Solid Waste is responsible for administering the Agency's regulations on hazardous waste, including the trivalent chrome exclusion.

After briefly reviewing your petition and the status of our State Authorization program, we have concluded that you need to contact the Commonwealth of Massachusetts for review of your petition to take advantage of the trivalent chrome exclusion. States that are authorized by the EPA to implement the Toxicity Characteristic (TC) regulations in their state are also authorized to implement the exclusions to the TC regulations described at 40 CFR 261.4(b). In these states, EPA cannot process these petitions. In your petition you stated that your company performs its turbine coating operations at facilities in South Carolina and in Massachusetts. In a staff follow-up call on your petition, you told us that your South Carolina facility is already implementing the trivalent chrome exclusion under an approval by the state Department of Natural Resources. Since Massachusetts was recently granted authorization to implement the TC regulations (see 64 FR 55153, October 12, 1999), your petition to exclude your chrome wastes from hazardous waste regulation should be submitted to the Massachusetts Department of Environmental Protection.

I hope this addresses your questions about how to proceed with your petition to exclude your waste from regulation under the trivalent chrome exclusion. If you have further questions please contact my office or call Gregory Helms at 703-308-8845.

Sincerely,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

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