



**DIRECTIVE NUMBER:** 9441.31(84)

**TITLE:** Clarification of Federal Register Notice Pertaining to Lime-Stabilized Waste Pickle Liquor Sludge (LSWPLS) from the Iron and Steel Industry (June 5, 1984)

**APPROVAL DATE:** 10-25-84

**EFFECTIVE DATE:** 10-25-84

**ORIGINATING OFFICE:** Office of Solid Waste

☒ **FINAL**

☐ **DRAFT**

**LEVEL OF DRAFT**

- ☐ A — Signed by AA or DAA
- ☐ B — Signed by Office Director
- ☐ C — Review & Comment

**REFERENCE (other documents):**

---

**OSWER OSWER OSWER**  
**VE DIRECTIVE DIRECTIVE DI**

---

---

Key Words: Pickle Liquor, Exclusion

Regulations: 40 CFR 261.31

Subject: Clarification of Federal Register Notice Pertaining to Lime-Stabilized Waste Pickle Liquor Sludge (LSWPLS) from the Iron and Steel Industry (June 5, 1984)

Addressee: Tom Carlisle, Division of Solid and Hazardous Waste Management, State of Ohio Environmental Protection Agency, 361 East Broad Street, Columbus, Ohio 43216

Originator: Eileen M. Claussen, Director, Characterization and Assessment Division

Source Doc: #9441.31(84)

Date: 10-25-84

Summary:

The final rule excluding LSWPLS generated by the iron and steel industry becomes effective December 5, 1984. The exclusion applies only to the sludge from lime treatment of waste pickle liquor. The sludge is considered non-hazardous and may be disposed of in a Subtitle D or municipal landfill. The supernatant from the treatment of this waste remains a hazardous waste, unless delisted. The exclusion, therefore, does not apply to the entire waste stream.

The spent pickle listing is interpreted by the Agency to include spent pickle liquor generated from all steel finishing industries regardless of industry category.

OCT 25 1984

Tom Carlisle  
Division of Solid and Hazardous  
Waste Management  
State of Ohio Environmental  
Protection Agency  
361 East Broad Street  
Columbus, Ohio 43216-1049

Dear Mr. Carlisle: .

This letter responds to your inquiry of October 5, 1984, regarding further clarification of the Federal Register notice pertaining to lime-stabilized waste pickle liquor sludge (LSWPLS) from the iron and steel industry (June 5, 1984).

Each point raised in your letter and our responses are outlined below. Please keep in mind, however, that the Porcelain Enamel Institute has filed a petition for review against the Agency (August 24, 1984) regarding our interpretation of the spent pickle liquor listing.

1) Although the June 5 exclusion applies only to iron and steel industries (SIC codes 331 and 332), Mid-West Fabricating Company (SIC code 3714) received notice from EPA that the exclusion applies to LSWPLS generated at their facility.

The Agency is aware that due to computer error a few facilities listed in the June 5 notice are not actually in the iron and steel industry. At this time, we are working to identify these facilities and to determine a course of action. At a minimum, we would expect to notify them in writing of the error and inform them that their LSWPLS is not excluded by our decision on June 5, 1984.

2) How does EPA interpret the term "moot" as it pertains to delisting petitions submitted to exclude LSWPLS generated from the iron and steel industry?

EPA used this term in stating that site-specific delisting petitions submitted by the iron and steel industry (to exclude LSWPLS) no longer require Agency action since the June 5 final rule automatically excludes these waste from regulation (effective December 5, 1984). Administrative procedures dictate that comments are not solicited when rules are promulgated in final form.

WII-562B/Jacqui Sales/mn/cm S248/302-4770/10-23-84 Disk JS09:14

3) Data from delisting petitions submitted by the iron and steel industry, as cited in the June 5 notice include at least four facilities from industry categories other than iron and steel (Quanex Fabricating, Olin Corporation and Union Carbide). How can this data be used to support a rulemaking for the iron and steel industry, and are these petitions also considered moot by the rulemaking?

Data from the Hazardous Waste Data Management System indicates that Union-Carbide (Ohio)- SIC codes 3315, 3471, 3486, 3398; Olin Corporation (Conn.)- SIC codes 3316, 3351, 3356; and Quanex Corporation (Michigan)- SIC code 3317 are within the iron and steel industry or have processes that generate spent pickle liquor and are in the SIC codes (i.e., 331 and 332) covered by the exclusion. Since EPA data conflicts with your data, I suggest someone from your staff contact Jacqueline Sales, of my staff, at (202) 382-4770 to further discuss this matter.

4) You state that although fifty percent of porcelain enamellers have notified as generating K062, this does not indicate general knowledge of the broad applicability of the listing since many of these notifiers are "protective filers." You further state that the spent pickle liquor listing should have been listed generically under K261.31 if it was intended to apply to industries other than iron and steel.

The Agency has always interpreted the listing to include spent pickle liquor generated from all steel finishing industries regardless of industry category. This is the plain sense of the K062 listing, which applies to wastes from steel finishing operations. As a matter of fact, we have taken action on several delisting petitions for industries other than iron and steel. At this time, however, we believe it prudent not to elaborate further on this issue until we have litigated the suit filed by the Porcelain Enamel Institute.

5) It is not clear what portion of the waste stream has been excluded from regulation (i.e., does the exclusion apply to both the supernatant and sludge, or to the waste pickle liquor at the moment it is lime stabilized).

The exclusion applies only to the sludge from lime treatment of waste pickle liquor. As a practical matter, this means that the sludge is considered non-hazardous and may be disposed of in a Subtitle D or municipal landfill. However, the supernatant from the treatment of this waste remains a hazardous waste, unless delisted. Therefore, the exclusion does not apply to the entire waste stream.

I trust that this letter adequately addresses your concerns. Should you have questions or require additional information, please call Jacqueline Sales, of my staff, at (202) 382-4770.

Sincerely yours,

151

Eileen M. Claussen  
Director  
Characterization and Assessment Division  
(WH-562B)