

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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(916) 322-1003

March 6, 1996

Mr. John J. Allen
Graham & James LLP
801 South Figueroa Street, 14th Floor
Los Angeles, California 90017-5554

RECLAMATION OF "SWARF" AND CONTAMINATED WIPE RAGS

Dear Mr. Allen:

This is in response to your letter of January 25, 1996, on behalf of Channel Industries, to Mr. Noel Lavery of our Region 4 office, requesting a determination that lead-containing "swarf" and silver contaminated wipe rags are by-products of a piezoelectric ceramic products manufacturing operation. We had received, and responded to, a March 1, 1994, letter on behalf of Channel Industries regarding the status of "swarf" that was being sent to a lead smelter for reclamation. You requested a more definitive determination on the classification of the "swarf" than we had provided in response to the previous letter, and in addition, comment on the status of silver-contaminated wipe rags being sent to a "metal recovery facility".

In the March 1, 1994, letter, the swarf was described as a white to gray residue from the filtration of the water used to collect ceramic dust during the grinding of the ceramic instruments. Analysis of the swarf revealed 390,000 milligrams per kilogram of lead and 79,000 milligrams per kilogram of barium. In your letter of January 25, 1996, you stated that the swarf exhibits the federal characteristic of toxicity for lead and barium. At issue in the classification of swarf is whether it would be considered a by-product under federal regulations, and thus be excluded from the definition of a solid waste when being reclaimed at a lead smelter. As a non-RCRA waste, the swarf would be eligible for exclusion from classification as a waste pursuant to the provisions under subdivision (d) of section 25143.2 of California's Health and Safety Code (HSC). After reviewing both letters, we feel the proper classification of the swarf would be a sludge as defined in section 66260.10 of Title 22 of the California Code of Regulations (22 CCR). "Sludge" here includes any solid, semi-solid, or liquid waste generated from wastewater treatment. Pursuant to 22 CCR



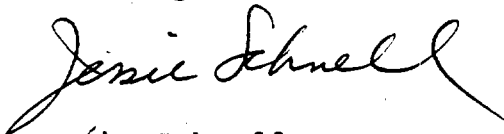
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66261.2(d)(3), sludges exhibiting a characteristic of a hazardous waste are non-RCRA wastes when being reclaimed.

Non-RCRA wastes that are sent to a primary smelter for the economically feasible recovery of metals qualify for exclusion from classification as a waste pursuant to HSC 25143.2(d)(6) if all applicable conditions are met. HSC 25143.2(d)(6) allows recyclable materials used as a safe and effective substitute for commercial products to qualify for a recycling exclusion. The swarf would be substituting for ores processed by the smelter. A primary smelter is a smelter that uses primarily ores, as opposed to secondary materials, as feedstock for its operations.

With regard to the silver-contaminated wipe rags, the wastestream is the rags that are contaminated to such an extent that they can no longer be used as wipes. Patently, these rags are not by-products, but rather spent materials. Spent materials are wastes when being reclaimed, pursuant to 22 CCR 66261.2(d)(3), and RCRA hazardous wastes if they exhibit a characteristic of a hazardous waste under federal regulations. The silver-contaminated rags must be managed as a hazardous waste when being sent to a metal recovery facility. If you have any questions, please contact me at (916) 322-1003.

Sincerely,



Jessie Schnell
Resource Recovery Section
Hazardous Waste Management Program

cc: Mr. Gary Erbeck, Director
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Mr. Larry Matz, Chief
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cc: Mr. Norman Riley, Chief
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