

Electroplating Sludge/RCRA: U.S. Environmental Protection Agency Proposal to Grant Austin, Texas Manufacturing Facility Delisting Petition



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The United States Environmental Protection Agency (“EPA”) in a July 14th Federal Register Notice proposes to grant a petition to exclude (or delist) sludge generated from the facility’s electroplating process from the list of Resource Conservation and Recovery Act (“RCRA”) hazardous waste. See 82 Fed. Reg. 32519.

EPA is responding to a delisting petition submitted by Samsung Austin Semiconductor (“SAS”) to exclude waste generated by its manufacturing facility located in Austin, Texas.

SAS is stated to have submitted the petition under 40 C.F.R. 260.20 and 260.22(a) which provide an opportunity to petition the Administrator to modify or revoke any provision of parts 260 through 266, 268, and 273. 260.22(a) provides generators the ability to petition the Administrator to exclude a waste on a “generator specific” basis from the lists of RCRA hazardous waste.

The SAS waste generated by its Austin, Texas facility is described as filter cake (F006). An F006 waste is described as wastewater treatment sludges from electroplating operations for which the basis of the listing is cadmium, hexavalent chromium, nickel, and cyanide (complexed). The waste is encompassed under the classification of RCRA listed waste pursuant to §§ 261.31 and 261.32.

The SAS petition argues the waste does not meet the criteria for which the federal agency listed it. The company is also stated to believe no additional constituents or factors could cause the waste to be hazardous.

The EPA review of the SAS petition is stated to have included consideration of both original listing criteria and additional factors required by the hazardous and solid waste amendments of 1984. The agency evaluated the waste against the listing criteria and factors cited in §§ 261.11(a)(2) and (3). As a result, it agreed with SAS that the waste is non-hazardous with respect to the original listing criteria.

The Federal Register Notice includes information on the delisting process, evaluation of the SAS data, conditions with which SAS would have to comply and other information.

[A copy of the Federal Register Notice can be downloaded here.](#)