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Delisting Petition/Resource Conservation and Recovery Act: December 14th Federal Register Notice Addressing F006 Wastewater Treatment Sludge

12/17/2018

The United States Environmental Protection Agency ("EPA") in a December 14th Federal Register Notice granted a petition by Sandvik Special Metals ("SSM") to exclude or delist up to 1,500 cubic yards of F006 wastewater treatment sludge per year from the lists of Resource Conservation and Recovery Act ("RCRA") hazardous waste. See 83 Fed. Reg. 64289.

The delisting petition is related to SSM's facility in Kennewick, Washington.

The RCRA Subtitle C regulations provide a procedure in which a delisting petition can be submitted from a generator to exclude waste from the lists of hazardous wastes. The petitioner is required to demonstrate that the waste generated at a particular facility does not meet any of the criteria for which EPA previously listed the waste. Such criteria are set forth in 40 C.F.R. 261.11.

A petitioner is also required to demonstrate that the waste does not exhibit any of the hazardous waste characteristics. Such hazardous waste characteristics include ignitability, reactivity, corrosivity, and toxicity.

Even if the waste is delisted, a generator retains certain obligations. These include a requirement to confirm that the waste remains non-hazardous based on the hazardous waste characteristics in order to continue to manage the waste as non-hazardous.

F006 is defined in the RCRA regulations as:

. . . wastewater treatment sludges from electroplating operations . . .

See 40 C.F.R. 261.31.

EPA noted that SSM claims that the waste does not meet the criteria for which F006 was listed. These criteria include cadmium, hexavalent, chromium, nickel, and complexed cyanide and that there were no other factors which would cause the waste to be a hazardous waste. The company is stated to have conducted a detailed chemical analysis of their F006 sludge to support their submission.

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