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*Barbara
to discuss
w/me Benito*

Department of Energy
Los Alamos Area Office
Albuquerque Operations Office
Los Alamos, New Mexico 87544

OCT 04 1995



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Benito Garcia, Bureau Chief
Hazardous and Radioactive Materials
Bureau
New Mexico Environment Department
2044 Galisteo St., Building A
P. O. Box 26110
Santa Fe, New Mexico 87505

Dear Mr. Garcia:

Subject: Request for RCRA Waste Exclusion - Chromium

The purpose of this letter is to support the U. S. Department of Energy (owner/operator) and University of California (co-operator) position that the waste generated from the nitrate-based aqueous process at Los Alamos National Laboratory, TA-55, meets the criteria for an exclusion, as specified in New Mexico Administrative Code, Title 20, Chapter 4, Part I, Subpart II, 261.4(b) (6) (i).
(40)

Enclosed is the supporting position and documentation to demonstrate the validity of this position. Should you have any questions, please contact Jody Plum of my staff at (505) 665-5042. Thank you for your consideration.

Sincerely,

Joseph C. Vozella
Joseph C. Vozella
Assistant Area Manager
Office of Environment and Projects

LAAMEP:9JP-007

Enclosure

cc w/enclosure:
Barbara Hoditschek, Program Manager
Hazardous & Radioactive
Materials Bureau
New Mexico Environment Department
2044 Galisteo Street, Bldg. A
P. O. Box 26110
Santa Fe, New Mexico 87505

TC



(iv) The reclaimed material is not used to produce a fuel, or used to produce products that are used in a manner constituting disposal.

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- (9)(i) Spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose; and
(ii) wastewaters from the wood preserving process that have been reclaimed and are reused to treat wood.

(10) EPA Hazardous Waste Nos. K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the Toxicity Characteristic (TC) specified in § 261.24 of this part when, subsequent to generation, these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the wastes from the point they are generated to the point they are recycled to coke ovens or tar recovery or refining processes, or mixed with coal tar.

(11) Nonwastewater splash condenser dross residue from the treatment of K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.

(12) Recovered oil from petroleum refining, exploration and production, and from transportation incident thereto, which is to be inserted into the petroleum refining process (SIC Code 2911) along with normal process streams prior to crude distillation or catalytic cracking. This exclusion applies to recovered oil stored or transported prior to insertion, except that the oil must not be stored in a manner involving placement on the land, and must not be accumulated speculatively, before being so recycled. Recovered oil is oil that has been reclaimed from secondary materials (such as wastewater) generated from normal petroleum refining, exploration and production, and transportation practices. Recovered oil includes oil that is recovered from refinery wastewater collection and treatment systems, oil recovered from oil and gas drilling operations, and oil recovered from wastes removed from crude oil storage tanks. Recovered oil does not include (among other things) oil-bearing hazardous wastes listed in 40 CFR part 261 D (e.g., K048-K052, F037, F038). However, oil recovered from such wastes may be considered recovered oil. Recovered oil also does not include used oil as defined in 40 CFR 279.1.

(b) *Solid wastes which are not hazardous wastes.* The following solid wastes are not hazardous wastes:

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(1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel) or reused. "Household waste" means any material (including garbage, trash and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this subtitle, if such facility:

(i) Receives and burns only

- (A) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources) and
(B) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

(ii) Such facility does not accept hazardous wastes and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

(2) Solid wastes generated by any of the following and which are returned to the soils as fertilizers:

- (i) The growing and harvesting of agricultural crops.
(ii) The raising of animals, including animal manures.

(3) Mining overburden returned to the mine site.

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(4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste, generated primarily from the combustion of coal or other fossil fuels, except as provided by § 266.112 of this chapter for facilities that burn or process hazardous waste.

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(5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas or geothermal energy.

(6)(i) Wastes which fail the test for the Toxicity Characteristic because chromium is present or are listed in subpart D due to the presence of chromium, which do not fail the test for the Toxicity Characteristic for any other constituent or are not listed due to the presence of any other constituent, and which do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- (A) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium; and

(B) The waste is generated from an industrial process which uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and

(C) The waste is typically and frequently managed in non-oxidizing environments.

(ii) Specific wastes which meet the standard in paragraphs (b)(6)(i) (A), (B), and (C) (so long as they do not fail the test for the toxicity characteristic for any other constituent, and do not exhibit any other characteristic) are:

(A) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(B) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(C) Buffing dust generated by the following subcategories of the leather tanning and finishing industry; hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue.

(D) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(E) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrome tan/retan/wet finish; retan/wet finish; no beamhouse; through-the-blue; and shearling.

(F) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: Hair pulp/chrome tan/retan/wet finish; hair save/chrometan/retan/wet finish; and through-the-blue.

(G) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries.

(H) Wastewater treatment sludges from the production of TiO_2 pigment using chromium-bearing ores by the chloride process.

(7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock and overburden from the mining of uranium ore), except as provided by § 266.112 of this chapter for facilities that burn or process hazardous waste. For purposes of § 261.4(b)(7), beneficiation of ores and minerals is restricted to the following activities: Crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining to remove water and/or carbon dioxide; roasting, autoclaving, and/or chlorination in preparation for leaching (except where the roasting (and/or autoclaving and/or chlorination)/leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; flotation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat, tank, and *in situ* leaching. For the purpose of § 261.4(b)(7), solid waste from the processing of ores and minerals includes only the following wastes:

- (i) Slag from primary copper processing;
- (ii) Slag from primary lead processing;
- (iii) Red and brown muds from bauxite refining;
- (iv) Phosphogypsum from phosphoric acid production;
- (v) Slag from elemental phosphorus production;
- (vi) Gasifier ash from coal gasification;
- (vii) Process wastewater from coal gasification;
- (viii) Calcium sulfate wastewater treatment plant sludge from primary copper processing;
- (ix) Slag tailings from primary copper processing;
- (x) Fluorogypsum from hydrofluoric acid production;
- (xi) Process wastewater from hydrofluoric acid production;
- (xii) Air pollution control dust/sludge from iron blast furnaces;
- (xiii) Iron blast furnace slag;

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