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July 5, 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ron Josephson
 United States Environmental Protection Agency
 Waste Characterization Branch (OS-333)
 401 M Street, S.W.
 Washington, D.C. 20460

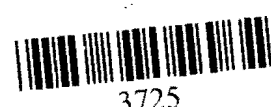
Re: Regulation of Beryllium-Containing Waste

Dear Mr. Josephson:

The purpose of this letter is to confirm certain information which you provided me during a telephone conversation on June 11, 1990 in response to my letter to you dated June 4, 1990 concerning the regulation under RCRA of beryllium-containing waste. You subsequently provided me with a copy of a March 10, 1989 letter written on behalf of the Director of the Characterization and Assessment Division of the Office of Solid Waste and Emergency Response to a representative of the Department of the Air Force concerning the same subject ("the Air Force Letter"). I understand that the following describes the position of the United States Environmental Protection Agency under the federal RCRA program and that an individual state is permitted to promulgate more stringent regulations as part of its hazardous waste program which may regulate as hazardous wastes a broader group of solid wastes which contain beryllium.

During our telephone conversation and as alluded to in the Air Force Letter, you confirmed that the listing of Hazardous Waste No. P015 at 40 C.F.R. § 261.33(e) does not render any beryllium-containing solid waste a hazardous waste under RCRA. Rather, the P015 listing includes within the universe of RCRA hazardous wastes only those solid wastes which contain or are derived from the commercial chemical product

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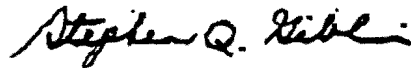
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beryllium dust in the manners described at 40 C.F.R. §§ 261.33(a)-(d). Specifically, the P015 listing is not intended to regulate as a hazardous waste a manufacturing process waste which contains beryllium. Thus, a beryllium-containing manufacturing process waste is regulated as a hazardous waste only if it is specifically listed at 40 C.F.R. §§ 261.31 or .32 or if it exhibits one of the characteristics of hazardous waste described at 40 C.F.R. §§ 261.21-.24.

You also indicated during our conversation that the Agency recognized that the current description of P015 as "beryllium" was not correct. Rather, the correct description is "beryllium dust," which is the description that existed prior to the publication of a technical correction appearing at 53 Fed. Reg. 13382 (April 22, 1988). You explained, however, that there were no present intentions to correct this error due to the current workload of the Waste Characterization Branch. Despite the absence of this correction, it is proper to interpret the P015 listing as applying only to "beryllium dust".

If the foregoing discussion does not reflect either the substance of our June 11 conversation or the position of the Environmental Protection Agency, please contact me to correct any misunderstanding which I may have. Thank you for your attention to this matter.

Very truly yours,



Stephen Q. Giblin

bcc: Mr. Richard C. Davis
Mr. Larry Chako
Mr. Marc Kolaniz
Ronald R. Janke, Esq.