



State of Ohio Environmental Protection Agency

Northwest District Office

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Port-it brand fax transmittal memo 7571		# of pages > 2
To: LARRY CHAKO	From: JEFF STEERS	
Co: BRUSH WELLMAN	Co: NWDO	
Dept:	Phone # 352-8461	
Fax # 1-862-4213	Fax #	

V. Voinovich
Governor

Re: Brush Wellman
Hazardous Waste
Ottawa County

December 9, 1993

Mr. Larry Chako
Brush Wellman
14710 W. Portage River South Road
Elmore, Ohio 43416-9502

Dear Mr. Chako:

This letter serves to clarify my letter to you of October 8, 1993. In that letter you were advised that contaminated debris generated in the high beryllium manufacturing operation at Brush Wellman was determined to be nonhazardous. The Agency continues to agree with Brush Wellman's characterization that this waste stream is nonhazardous. In the October 8th letter, reference to Ohio Administrative Code Rule (OAC) 3745-51-03(A)(2)(a)(iv) was cited as the reason that this waste stream is deemed to be nonhazardous. That rule would apply to beryllium mixtures in wastewater.

We concur with Brush Wellman's classification of the debris waste, not because of the above cited rule but rather that such classification would be consistent with US EPA's criteria for listing a waste. This interpretation stems from whether a hazardous waste should be listed as a waste from a specific industrial process (K-Codes) vs being called a off specification commercial chemical product (U & P Codes). Specifically, had US EPA intended to regulate debris generated from the handling of "beryllium product", they would have assigned a specific industrial process code (K-Code). For example, baghouse dust and floor sweepings in milling and packaging operations from the production or formulation of ED8C is listed as K-126 and is not considered to be the technical commercial chemical product U-114. In addition to the debris, Ohio EPA also does not believe that the baghouse dust would be considered a 9015 listed waste for the reason cited above.

In summary, debris and baghouse dust generated in the high beryllium side of the Brush Wellman facility is not a hazardous waste. It does not fall within the definition of a commercial chemical product as defined in OAC Rule 3745-51-33(D). You may continue to handle this material as a nonhazardous solid waste.

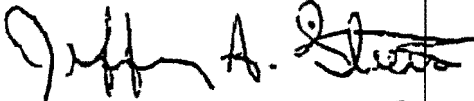


TC

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If you should have any further questions in this matter, please advise.

Yours truly,



Jeffery A. Staers, R.S.
RCRA Group Leader
Division of Hazardous Waste Management

/jks

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