



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 16 1996

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Mr. Vincent F. Hock, Metallurgist
U.S. Army Corp of Engineers
Construction Engineering Research Laboratories
P.O. Box 9005
Champaign, IL 61826-9005

Dear Mr. Hock:

Thanks for your letter dated May 9, 1995 regarding the use of Blastox, a product that is added to sandblast abrasives and stabilizes waste generated from the abrasive blast removal of lead-based paint. In addition, I have reviewed your correspondence with Kenneth Rota of EPA Region I, who initially sent a response to your questions concerning the product. EPA's views on the regulatory status of paint chips containing Blastox is set out below.

It is my understanding that Blastox is a dry granular additive similar to portland cement. Stabilization of the lead in the paint chips occurs only in the wet state--during the TCLP test, or when the material comes into contact with water. You have asked whether the addition of water to initiate the hydration reaction considered hazardous waste treatment requiring a permit?

In EPA's view, adding water to the mixture of paint chips and Blastox would require a permit only if the mixture is a regulated hazardous waste. You have told us that the Blastox material and paint material mix in the process that generates the paint chip waste. EPA, consequently, considers it appropriate to perform TCLP testing on the mixture. EPA would not consider the addition of water for the purpose of using the TCLP test method to be hazardous waste treatment, as the waste would not yet have been classified as hazardous waste. If samples of the mixture failed to exhibit the Toxicity Characteristic, the mixture could be managed as non-hazardous waste, and any subsequent stabilization could be conducted without a permit.

If, however, a representative sample from the paint chip waste exhibits any characteristic of hazardous waste (e.g., TC for lead), then subsequent activities such as the addition of water

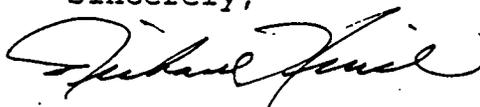


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for stabilization purposes would meet the definition of treatment under 40 CFR 260.10. You should note that the federal hazardous waste regulations allow generators to treat and/or store hazardous waste in accumulation tanks or containers, without a RCRA permit, as provided in 40 CFR 262.34 (including compliance with land disposal restriction standards in 268.7(a)(4)). You should also note that specific hazardous waste requirements in States authorized to implement the RCRA program can be more stringent than the federal requirements.

If we can of further assistance to you, please do not hesitate to call myself or Doug Heimlich of my staff at (703) 308-8489.

Sincerely,



Richard Kinch
Chief
Waste Treatment Branch

cc:
Mr. Kenneth B. Rota (EPA Region 1)