

November 7, 1986

Mr. Robert Fixter  
Assistant Environmental Mgr.  
S & W Waste Inc.  
115 Jacobus Avenue  
South Kearny, New Jersey 07032

Dear Mr. Fixter:

In your September 23, 1986, letter you requested that EPA interpret whether four specific solvent wastes would be covered by the spent solvent listings (i.e., EPA Hazardous Waste Nos. F001, F002, F003, F004, and F005). In general, whether a spent solvent is within the scope of these listings depends on whether they meet the following criteria:

- 1) the waste must be generated as a result of the solvent being used for its solvent properties; that is, to solubilize (dissolve) or mobilize other constituents. (The listings do not cover manufacturing process wastes that are contaminated with solvents when the solvents are used as reactants or ingredients in the formulation of commercial chemical products.)
- 2) in the case of solvent mixtures, the mixture must contain, before use, a total of ten percent or more (by volume) of one or more of the solvents listed in F001, F002, F004, or F005 (see 50 FR 53315).

In addressing the first criterion, use as a paint stripper is considered to be use as a solvent because the paint stripper solubilizes (dissolves) other constituents (i.e., paint). Note that the fourth example, which involves painting operations, is not considered to be used as a solvent because the solvent is an ingredient in the paint formulation.

Faxback 11194

In regard to the second criterion, the first example involves a waste that has a final composition of 50% methylene chloride; it is reasonable to assume that methylene chloride was present at 10% or more in the commercial product before use. The solvent mixture rule, therefore, would apply and the spent paint stripper in this example would be classified as the EPA Hazardous Waste F002. In the second example, the paint stripper product is known to contain more than 10% methylene chloride, thus, it also would be classified as F002. Finally, there is insufficient information provided to evaluate whether the third example would be subject to the mixture rule. However, if the paint thinner (before use) contain greater than 10% (by volume) of one or more of the solvents listed in F001, F002, F004, or F005, then these paint thinners would be considered a listed spent solvent.

If you have additional questions regarding the interpretation of these wastes, please contact me at (202) 475-8551.

Sincerely,

Matthew Straus  
Chief  
Waste Characterization Branch