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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

JUL 21 1989

Shirlee Schiffman, Chief
Bureau of Hazardous Waste
Regulation and Classification
New Jersey Department of Environmental Protection
401 East State Street
CN 028
Trenton, New Jersey 08625-0028

Dear Ms. Schiffman:

This is in response to your letter of April 5, 1989, and the subsequent conversation my staff had with you and your staff on April 20. Specifically, we are answering several questions on the applicability of hazardous waste regulations under 40 CFR 261.31 and 261.33 to situations enumerated in your letter.

In the first situation, you asked if the regulatory interpretation provided in a letter sent by the former Office of Solid Waste Director, Marcia Williams, dated October 26, 1987, is still valid in the case of acetone-contaminated water from the washout of a reactor vessel after removal of spent solvent. The Agency has not changed its interpretation.

In the second situation, you state that a company uses methanol and acetone to wash a product in order to remove water. From the telephone conversation, you staff indicated that the solvent mixture is 50% acetone and 50% methanol before use. To answer this question, two questions must be answered: 1) does use as a drying agent constitute use as a solvent? and 2) does the solvent mixture meet the listing description? First, use as a drying agent does meet the definition of solvent use because the material is used to extract water. Second, methanol and acetone are listed ignitable solvents under F003; therefore, the F003 listing applies because the solvent mixture consists solely of F003-listed solvents.

You asked during our telephone conversation whether the mixture rule under 40 CFR 261.3(a)(2)(iii) would apply to this situation. The mixture rule applies after the waste has been generated and this then mixed with a solid waste. The mixture rule specifies that if the mixture no longer exhibits the characteristic of ignitability, then the waste is no longer considered hazardous. In this situation, the spent F003 solvents collected after the washings are EPA hazardous waste F003 until

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they are subsequently mixed with solid waste and no longer exhibit any hazardous waste characteristic.

In the third example, a transporter delivers P and U wastes in tanker trucks. The heels are drained, and the collected materials are drummed and manifested as hazardous waste. Once the tank trucks have been drained, subsequent washes may still contain small quantities of the original chemical. The answer to this question depends on whether the truck at the time of rinsing qualifies as an empty container, under 40 CFR 261.7. The wash waters generated after draining, assuming the commercial chemicals have been removed by reasonable means and less than one inch or less than 0.3% of the tank volume remained, would not be hazardous wastes. If these conditions are not satisfied, then the wastewater would be hazardous waste because they contain unused discarded commercial chemical products. (See 47 FR 36092-36097, August 18, 1982.)

The fourth situation involves a company that uses toluene as a solvent in a chemical production process. After the product is made, most of the toluene is recovered. However, the wash water is contaminated with traces of toluene, which then contaminates the plant's process wastewater and settling tank sludges. The wash water may be considered a process stream that is contaminated with a solvent constituent and not a listed spent solvent. The wastewater and settling tank sludges also are not listed spent solvent wastes.

Thank you for your inquiry. If you have any other questions, please contact Ron Josephson of my staff at (202) 382-4770.

Sincerely,

Original Document signed

Devereaux Barnes
Director
Characterization and
Assessment Division

cc: George Meyer, EPA Region II (2AWM-HWC)

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