

9444.1987(29)

June 19, 1987

Ms. Kathie Roos
Chemical Engineer
3738 Harrison Avenue
P.O. Box 4168
Butte, Montana 59702

Dear Ms. Roos:

This is in response to your letter of May 21, 1987, in which you sought to bring to my attention inconsistencies and problems your firm has encountered in helping your clients find appropriate disposal options for various types of pentachlorophenol wastes. You describe several categories of wastes (i.e., bottom sludge cleaned out of dip tanks, PCP-contaminated dirt, PCP-contaminated sorbent pillows and PCP-impregnated posts, poles, and railroad ties) for which different disposal guidance was provided by EPA Headquarters, Regional, and State Program personnel as well as waste management firms.

In particular, you ask the Agency's position on whether any of the waste categories described in your letter meet the listing description of Hazardous Waste Nos. F021, F027, or K001. At the present time, the K001 listing includes those sludges that are generated from treatment of wastewaters produced from wood preserving processes using pentachlorophenol or creosote; the F021 listing includes those wastes generated from PCP manufacturing; and the F027 listing includes unused formulations of PCP (i.e., the F027 listing does not include those formulations which are used, such as those which have been contacted with wood curing wood preservation processes (pressure, vacuum, or non-pressure processes) or surface protection processes (antisapstain or sapstain control processes). The word "used" would apply to the material that remains in the process vessel after the wood has been treated.

Pentachlorophenol which is impregnated in treated wood (e.g., posts, poles, and railroad ties), as mentioned in your letter also does not meet the F027 description for unused formulation. Also, dirt contaminated with PCP would not meet the listing description, unless the contamination were the result of a spill of unused PCP. In addition, the bottom sludge cleaned out of dip tanks does not meet the K001 listing description. Therefore, none of these wastes, except as indicated, are currently listed hazardous wastes. As a result, these wastes are not subject to the land restrictions program that was promulgated on November 8, 1986 (see enclosure). With respect to the PCP-contaminated sorbent pillows additional information would be needed (i.e., the ways in which they are used, whether they are part of the wastewater treatment system, etc) before an answer could be provided on its regulatory status.

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While these wastes are not listed at this time, the Agency is currently developing regulations for wood preservation and surface protection residuals which may list these additional wastes as hazardous. Until that time, however, I agree with you that good practice requires that these wastes be managed in a responsible manner (i.e., as though they were hazardous under RCRA).

Finally, you should be aware that the States may have a regulatory program that is more stringent than the Federal program (i.e., the State hazardous waste program may consider these wastes as hazardous under State law). Therefore, you will have to contact the various States where your clients are located to determine how these wastes should be handled under State law.

Thank you for your interest and concern in this area. Please feel free to contact Mr. Robert Scarberry at (202) 382-47629 if you [have] any further questions.

Sincerely,

Marcia Williams
Director
Office of Solid Waste

Enclosure

cc: Solid waste Management Branch Chiefs (Regions I-X)

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