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## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

DECEMBER 87

### 3. Mixture Rule - Discharges to Wastewater

Incidental spills, onto a cement slab, from the normal handling or transfer of virgin solvent into cleaning tanks, are collected in an underlying sump. The contents of the sump are at times diluted and times diluted and eventually discharged to an on-site wastewater treatment system meeting the exemptions under 40 CFR §264.1(g)(6), §265.1(c)(10), and §270.1(c)(2)(v) and regulated under §402 of the Clean Water Act. The cleaning operation is at a manufacturing site. Will the wastewater qualify for the §261.3(a)(2)(iv)(D) mixture rule "de minimus losses" exemption?

Yes, although the material spilled is not a chemical intermediate used in a production process or a raw material used in a production process, it is a discarded commercial chemical product which has been spilled during normal material handling operations at a manufacturing site and is disposed of via drainage to the wastewater treatment process. The amount of material would not be counted against the 1 to 25 ppm exclusion level for spent solvents mixed with wastewater (see footnote 37, 46 FR 56587, November 17, 1981). In this case, what is being discarded is not a spent solvent, but an unused commercial product and will meet the requirements of §261.3(a)(2)(iv)(D) de minimis losses.

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