

MAY 24 1985

Mr. Robert C. Scott
Director of Administration
Mobay Chemical Corporation
Agricultural Chemicals Division
P.O. Box 4913
Kansas City, MO 64120

Dear Mr. Scott:

I am writing in response to your request for a decision regarding whether certain wastes associated with the manufacture of pesticides at your Kansas City, Missouri plant are considered to be listed hazardous wastes. More specifically, you have inquired whether the manufacturing processes for prothiophos, sulprofos, fensulfothian, and MTMC generate listed spent solvents. These manufacturing processes use either toluene, methanol, or m-cresol as reactants in such excess that large amounts of these materials do not react and are removed from the process as a waste stream. Steve Hirsch from the Office of General Council and I have carefully reviewed the material which you have submitted as well as the Background Listing Document (BLD) and the Federal Register notice for the listing concerning wastes from the usage of organic solvents. Based on our review, we conclude that the wastes that contain the unreacted materials are not listed spent solvents.

We agree with Mobay's assertion that the original solvent listing was not intended to include chemicals which are commonly used as solvents when they are used as reactants. As the bases for our decision, we cite the following excerpts and quotations from the BLD and the Federal Register notice:

- o The footnote on page 33 of the BLD states, "Large amounts of chemicals listed in Table II-1 are used in such non-solvent applications as chemical feedstock..." Thus, usage as a feedstock was considered to be a non-solvent use.
- o Pages 40 and 41 of the BLD define solvent application in the production of pesticides to include "... usage as a reaction (synthesis) medium, and usage in equipment cleaning." The term "reaction medium" does not mean reactant or feedstock; rather, it refers to a substance that is capable of dissolving another substance (i.e., solute) to form a uniformly dispersed mixture or solution thereby enhancing the ability of the solute to undergo a chemical reaction with other soluble substances.

- o The language in 40 FR 56584 (November 17, 1981) clearly states that substances commonly used as solvents, "... may also be used in a manufacturing process as chemical reactants or process intermediates and, when so used, are not considered to be spent solvents."

It should be noted that although we do not consider the subject waste streams to be listed hazardous wastes, these streams may exhibit hazardous characteristics (e.g., ignitability). If such is the case, these wastes should be handled under the waste management standards contained in 40 CFR Parts 262-266, Part 124, and the permitting requirements of Parts 270 and 271. If you have any questions regarding our decision on this matter, you may contact me at (202) 382-4761.

Sincerely,

Matthew A. Straus
Chief, Waste Identification Branch