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United States Environmental Protection Agency  
Washington, D.C. 20460  
Office of Solid Waste and Emergency Response

October 20, 1992

MEMORANDUM

SUBJECT: Regulatory Status of Waste Generated by  
McLaughlin Gormley King (MGK) Company in  
Minnesota

FROM: David Bussard, Director  
Characterization and Assessment Division  
(OS-330)

TO: Joseph Boyle, Chief  
RCRA Enforcement Branch (5HR-12)  
EPA Region V

The purpose of this memorandum is to answer a part of a memorandum sent by you on July 23, 1991 to Michael Petruska in which you asked for determinations concerning the applicability of spent solvent listings. Specifically, you wished to know if a waste generated in the production of a pesticide by McLaughlin Gormley King (MGK) Company in Chaska, Minnesota is regulated as a listed hazardous waste.

As we understand the process, a solvent (toluene) is used to carry the reactants into the reactor. Subsequent to the formation of the product, the toluene is removed from the product-bearing stream. After the removal of the toluene, the product is distilled off and the residual is sent for disposal. The waste in question is that residual.

The Agency agrees with the Minnesota Pollution Control Agency (MPCA) in not classifying this waste as an F005 spent solvent waste. The toluene that is removed from the product bearing stream is not considered a spent material because it is still in use as a reactant medium and is not "spent." Thus, the product-bearing stream remaining after the toluene is removed would not be derived from a waste meeting the F005 listing description. The residual

remaining after a product distillation would then be considered a solid waste, but not an F005 hazardous waste or a waste derived from the treatment of an F005 waste.

If the waste in question exhibited any characteristic of hazardous waste (i.e., ignitability, corrosivity, reactivity, or toxicity characteristic), it still could be a hazardous waste. However, your memorandum indicates that this waste does not exhibit any characteristic. Please also keep in mind that the State may decide to regulate this waste more stringently than the Federal law requires.

Thank you for your inquiry. If you have any additional questions on this interpretation, please contact Ron Josephson of my staff at FTS 260-4770.

cc: Ken Gigliello (OS-520); Waste Management Division  
Directors; Regions I-IV, VI - X