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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

NOVEMBER 85

3. Use Constituting Disposal

The January 4, 1985 (50 FR 614) redefinition of Solid Waste brought into regulation certain hazardous waste management activities that were previously exempt from regulation because these activities were deemed to be beneficial use, reuse, or reclamation under §261.6(a)(1). On this date, EPA added a new section (Part 266 Subpart C) which outlines the regulations on the use of hazardous waste in a manner constituting disposal. This section now regulates beneficial use of reuse of hazardous wastes via placement or application of the hazardous waste (recyclable material) on the land.

For training purposes, a fire department sprays virgin diesel fuel on the ground. The fuel is set ablaze and then extinguished. The resultant residues are collected and properly disposed of as RCRA hazardous wastes.

Does the act of spraying the virgin diesel fuel meet the use constituting disposal classification?

No; spraying virgin fuel on the ground for firefighting practice does not meet the use constituting disposal classification. In this case, the fuel is a primary material and not a waste. Had the fuel been spent or a secondary material, such usage could be considered use constituting disposal.

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