

PPC 9444.1980(01)

COMMERCIAL CHEMICAL PRODUCTS UNDER 261.33

September 4, 1980

Mr. Robert Goodell
Regulatory Affairs Specialist
Betz Laboratories, Inc.
4636 Somerton Road
Trevose, Pennsylvania 19047

Dear Mr. Goodell:

This is in response to your letter August 1, 1980 in which you requested confirmation of our previous telephone conversations related to interpretations of §261.33 of the hazardous waste regulations promulgated on May 19, 1980. In an attachment to your letter you described a hypothetical waste stream which contained several constituents which, as products, are listed in §§261.33(e) or 261.33(f); you concluded that the waste stream was non-hazardous.

As noted in the regulations, §§261.33(e) and (f) relate only to commercial chemical products (or variants thereof) which are hazardous wastes if and when they are discarded. They are not to be applied to wastes which incidentally contain substances listed in these sections. Thus the waste stream you described is not one of the commercial chemical products listed. (The exception to this would be those cases where, citing your example, the product is known by the generic name of and purchased for the active ingredient, pentachlorophenol.) Also you did properly indicate an evaluation against the characteristics of hazardous waste.

A Regulatory Interpretation Memorandum (RIM) on this specific issue (§261.33) has been prepared and is being revised within the Agency. It should be published in the Federal Register in about two weeks. A notice indicating that RIMs would be prepared and a tentative schedule for a group of RIMs was published on August 19, 1980 (45 FR 55386). A copy is attached.

I have this provides the information you requested. Please call or write If I may be of further assistance.

RO 12004

Very truly yours,

Alan S. Corson, Chief
Waste Characterization Branch
Hazardous and Industrial Waste Division

Attachment