

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

OFFICE OF  
SOLID WASTE AND EMERGENCY  
RESPONSE

Gerhard F. Knapp  
GFK Consulting Ltd.  
63 Calle de Industrias, Suite 548  
San Clemente, CA 92672

Dear Mr. Knapp:

Thank you for your letter dated November 14, 1996. I apologize for the delay in responding to your inquiry. I understand you have spoken with Kristina Meson of my staff, and this letter is to confirm statements made in that discussion. In your letter, you request verification that spent methyl bromide activated carbon is not a U029 listed waste.

In your letter you describe a process for the capture and destruction of Methyl bromide (MB) from enclosed fumigation operations, such as commodity, quarantine and structural fumigations. You state that as part of the capture operation you generate a spent activated carbon stream containing MB. Once spent, the activated carbon will be transported to a central facility for regeneration.

The Agency agrees with your assertion that this waste stream is not a listed RCRA waste, specifically U029. The P- and U- lists found at 40 CFR part 261.33(f) apply to unused commercial chemical products. In the situation you describe the MB has been used for its intended purpose and would therefore not meet the U029 listing description.

However, the spent activated carbon filter would be considered a newly generated solid waste. Therefore the generator must determine whether the processed material exhibits a characteristic of a hazardous waste, and manage the waste accordingly. If the spent activated carbon filter exhibits one or more of the hazardous waste characteristics, it must be handled as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

Please note that under Section 3006 of RCRA, individual States can be authorized to administer and enforce their own hazardous waste program in lieu of the federal program. Under Section 3009 of RCRA States retain authority to promulgate regulatory requirements that are more stringent than federal regulatory requirements. I suggest you contact the appropriate agency in the States in which you wish to operate to determine the regulatory status of this waste stream in these states.

RO 14269

Thank you for your interest in the Federal hazardous waste program, If you have further questions, please contact Kristina Meson of my staff at (703) 308-8488.

Sincerely,

Elizabeth Cotsworth  
Acting Director  
Office of Solid Waste