

Nov. 18, 1980

Randal M. Reynolds
Environmental Process Engineer
Gold Kist, Inc.
P.O. Box 2210
Atlanta, Georgia 30301

Dear Mr. Reynolds:

This is in response to your letter of October 30, 1980, requesting clarification of our hazardous waste management regulations and a related question and answer sheet concerning the rinsate from the triple rinsing of containers which have held chemical products listed in 261.33(e). You contend that such rinsate should not be considered a hazardous waste—as we indicated in our question and answer book—unless it exhibits one or more of the characteristics of hazardous waste identified in Subpart C of Part 261 or is listed as a hazardous waste in §261.31 or §261.32.

We contend that such rinsate is a hazardous waste because of the “mixture rule” of §261.3 (a) (2) (ii) which states that a solid waste is a hazardous waste if “it is a mixture of solid waste and one or more of the hazardous waste listed in Subpart D . . .” (see 45 Federal Register 33119). A chemical product listed in §261.33 which is being rinsed from a container (and, therefore, being discarded) is a “hazardous waste listed in Subpart D.” The rinsing solution is a “solid waste” because it is being discarded. The rinsate is a “mixture of solid waste and a hazardous waste listed in Subpart D.” Therefore, the rinsate is a hazardous waste. I might point out that the rinsate, in some cases, may be a hazardous waste for additional reasons—those you point out—but the citation I have given is the bases for the interpretation in our question and answer book.

I trust that this clarifies this matter for you. I apologize for the tardiness of this response but we have been overwhelmed with requests for clarification of our regulations.

Sincerely yours,

Gary N. Dietrich
Associate Deputy Assistant Administrator
for Solid Waste

bcc: Filomena Chau w/incoming
James Scarbrough w/incoming