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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

APR 30 1987

Mr. Terry Gray, Chief
Plan Review and Permit Section
Hazardous Waste Management Branch
Solid and Hazardous Waste Management
State of Indiana
Department of Environmental Management
105 South Meridian Street
P.O. Box 6015
Indianapolis, IN 46206-6015

Dear Mr. Gray:

This is in response to your letter of March 13, 1987, in which you request written confirmation concerning a specific aspect of the mixture rule exemption that was promulgated on November 17, 1981. In particular, you ask if solvent that is lost via volatilization once it is discharged to the plant sewer is excluded from the mixture rule calculation in §261.3(a)(2)(iv)(A) and (B).

As I discussed with Ms. Jayne Browning of your staff, the regulation and the preamble to the November 17, 1981 Federal Register makes it clear that once a waste (i.e., spent solvent) is discharged to the wastewater, it must be included in the calculations to determine whether or not a facility exceeds the mixture rule exemption levels. See, for example, 40 CFR §261.3(a)(2)(IV)(A) where it states "...provided that the maximum total weekly usage of these solvents (other than the amounts that can be demonstrated not to be discharged to wastewater)...;" see also footnote 24 at 46 FR 56585 where it states:

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However, if a facility can demonstrate by means of appropriate records that any portion of solvents used at the facility are not disposed to wastewater, that portion is to be excluded from the calculation. That portion of solvents which is volatilized may not be excluded from the calculation of solvent usage."

Please feel free to give me a call at (202) 475-8551 if you have any further questions.

Sincerely,

Original Document signed

Matthew A. Straus, Chief
Waste Characterization Branch

RO 11241