9441.1985(12)

RCRA/Superfund/OUST Hotline Monthly Report Question

April 1985

Hazardous Waste Determination

2. Methylene chloride is used as a reaction medium in a manufacturing process. During the process, this medium is contaminated. After removing the spent medium from the process line, it is placed in containers for less than 90 days prior to being reclaimed. After distillation, the reclaimed methylene chloride is returned to the production unit. (A) It methylene chloride that is used as a reaction medium also considered to be used as a solvent, thus making the spent medium F002? (B) How is this methylene chloride regulated?

(A) Methylene chloride used as a reaction medium is considered to be used as a solvent. Thus, in this scenario, methylene chloride is considered the listed spent solvent F002. Subsequently, this F002 waste is subject to RCRA hazardous waste regulations when it exits the production process unit.

(B) Currently, listed hazardous wastes in §§261.31 or 261.32 and sludges exhibiting a Subpart C characteristic are subject to §261-6(b) which puts forth generator, transporter, and facility storage regulations prior to recycling. The actual recycling activity is not regulated.

Pursuant to the new definition of solid waste (50 FR 614), listed hazardous wastes and characteristic hazardous spent materials are considered solid and hazardous wastes when reclaimed. The recycling activity is still not regulated under the new definition of solid waste. In EPA regulated states (i.e., nonauthorized states,) beginning July 5, 1985, spent solvents destined for reclamation are subject to §261.6(b) for generators and transporter standards and §261.6(c) for facility storage standards.

In states with authorized RCRA programs, the new solid waste definition an respective recycling regulations will be applicable when the states incorporate these changes into their programs in

accordance with 40 CFR 271.21.