

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

MARCH 9, 1989

Mr. Gary A. Molchan
Administrator, Waste Management Section
Delaware Department of Natural Resources
and Environmental Control
89 Kings Highway
Post Office Box 1401
Dover, Delaware 19903

Dear Mr. Molchan:

This is in response to your letter of December 22, 1988, in which you asked for our interpretation of solvent regulations under 40 CFR 261.3(a)(2)(iv) as they apply to a potential enforcement action.

Specifically, you requested our interpretation of the applicability of preamble language in the November 17, 1981 Federal Register (46 FR 56582 - 56589) to the discharge of solvents into storm sewers. The Agency did not desire to create an exclusion from the mixture rule for intentional disposal of segregated solvents. The scope of the exclusion, as indicated by the regulatory language, preamble, and background materials, however, is not clearly articulated. Consequently, enforcement of this case may prove difficult.

The Agency does not encourage the discharge of solvents into storm sewers, even if the facility meets the 1 or 25 ppm solvent concentrations specified in the mixture rule exclusion. We recommend that some alternative management practices be utilized that would reduce this form of solvent disposal. For example, a review of the facility's production process may indicate a means of source reduction or waste minimization that would significantly reduce spent solvent generation. Also, solvent recovery, either on site or by a solvent reclaimer, would promote more responsible environmental management by the facility and possibly be an economic incentive for them in terms of savings in raw material and energy costs.

Thank you for your inquiry. If you have any further questions on this matter, please contact Ron Josephson, of my staff, at (202) 475-6715.

Sincerely,

Sylvia K. Lowrance
Director

Office of Solid Waste

FaxBack # 11402