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## 2. Hazardous Waste Identification

As part of an experiment, an independent tester wishes to set up weather testing equipment on several sites across the country. One of his concerns is that if one of the thermometers breaks and leaks mercury onto the ground, how would the soil contaminated with mercury be identified?

When the mercury leaks from the thermometer and falls onto the ground, it meets the definition of "spent material" in 40 CFR 261.1 (c)(1): it is a "material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing." Spent materials that are reclaimed are solid wastes according to Section 261.2 (c)(3). Thus, if the mercury contaminated soil exhibits a characteristic of hazardous waste (for example, the toxicity characteristic of Section 261.24), the generator must manage the soil as a hazardous waste. (Authorized States and EPA Regions determine when the hazardous waste has been removed and the soil may once again be handled as soil) The P- and U- lists of discarded commercial chemical products and spill residues apply only to unused materials; since in this case the mercury in the thermometer had been used, the U151 listing of Section 261.33 does not apply.