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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

APR 9 1987

Mr. Joe Rader
Environmental Affairs
Consultant
P.O. Box 277
Dayton, OH 45401-0277

Dear Mr. Rader:

This letter is a response to your letter of March 13, 1987, in which you request an interpretation on what "used" and "unused" formulations mean as applied to the F027 listing.

In the regulations, the word "used" includes formulations that have been contacted with wood during wood preservation processes (pressure, vacuum, or non-pressure processes) or surface protection processes (antisapstain or sapstain control processes). The word "used" would apply to the material that remains in the process vessel after the wood has been treated, and not just to the material that adheres to the wood, as some people have interpreted the term.

Also, the formulations do not have to be spent (i.e., not capable of being used or reused without being reclaimed or recycled) to be classified as "used"; even after one treatment, a formulation is considered to be "used."

In your letter, you also ask if it were possible that one could open a container of unused pentachlorophenol formulation and dip a piece of wood into it for the purpose of claiming it as "used" and, thus, not the listed waste. In this case, the Agency would consider this to be sham use and the formulation would still be termed as the listed waste when discarded.

If you have any further questions, please feel free to contact Robert Scarberry of my staff; he can be reached at (202) 382-4761.

Sincerely,

Original Document signed

Matthew Straus, Chief
Waste Characterization Branch

RO 11235