

9444.1987(05)

STILL BOTTOMS FROM LISTED SOLVENT RECLAMATION

FEB 2 1987

Mr. H. David Bowes  
President  
Finish Engineering Co.  
921 Greengarden Road  
Erie, Pennsylvania 16501-1591

Dear Mr. Bowes:

This is in response to your letter of November 25, 1986, regarding the regulatory status of still bottoms generated from the reclamation of listed solvents. As we indicated in our previous letter, EPA encourages the recycling of hazardous wastes and we are currently evaluating this activity to determine whether other changes to the regulations may be appropriate. In addition, we are also re-evaluating the existing listings to better define them. In particular, we expect to re-propose the current listings and set concentration levels in the listings which would define when the wastes contain levels of the toxic constituents which would cause them to be defined as hazardous. If a waste that meets the listing description contains levels of the toxic contaminant below the level set when we relist wastes, the waste would no longer be considered a listed hazardous waste. Although this effort is technically complex and, therefore, may take several years to complete, we believe the "relisting effort" addresses your concern directly.

In the shorter term, if you wish to remove your particular still bottoms from regulation, you will need to submit a delisting petition pursuant to 40 CFR 260.20 and 260.22. These sections outline the process for submitting a petition to delist your wastes and the showing that must be made as part of the petition process. However, you should be aware that if your solvent still bottom wastes are classified as EPA Hazardous Waste No. F003, and if this waste no longer exhibits any of the hazardous waste characteristics after it has been mixed with another solid waste, your waste is no longer considered hazardous under Subtitle C of the Federal hazardous waste rules (i.e., the still bottoms would not need to be delisted under the Federal hazardous waste rules). See 40 CFR 261.3(a)(2)(iii).

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Please feel free to call Mr. Matthew A. Straus at (202) 475-8551 if you have any further questions; if you have any specific questions regarding delisting, please contact Mr. Myles Morse at (202) 382-4782.

Sincerely,

Marcia Williams, Director  
Office of Solid Waste