

9441.1985(10)

APR 10 1985

DISTILLATION OF RESIDUE CONTAINING PERCHLORETHYLENE AND SURFACTANT

Lloyd R. Cress
Greenebaum, Doll and McDonald
1400 Vine Center Tower
P.O. Box 1808
Lexington, Kentucky 40593

Dear Mr. Cress:

In your recent letter of March 19, 1985, you requested confirmation of an earlier opinion that a distillation residue containing perchloroethylene and surfactant is not a hazardous waste under the Resource Conservation and Recovery Act (RCRA) when discarded. You stated that the unused perchloroethylene and surfactant were inadvertently mixed. Subsequent to that, the material was sent off-site for recovery. The waste in question is the unreclaimed portion of the perchloroethylene-surfactant mixture.

In considering your request, we have concluded that the residue from the recover of the contaminated perchloroethylene is a hazardous waste. Your argument that the perchloroethylene detergent mixture is not covered under the requirements for commercial chemical products listed in 40 CFR 261.33 because it contains several active ingredients is not applicable to this waste. (Those "mixtures" not covered under §261.33 are commercial chemical product mixtures where the listed chemical is not the sole active ingredient.) In your case, the listed commercial chemical product is perchloroethylene which became contaminated with surfactant. At no time was the perchloroethylene-detergent mixture considered a commercial chemical product mixture. Therefore, the adulterated perchloroethylene is considered a listed hazardous waste when discarded. You were correct, however, in stating that the perchloroethylene was not as hazardous waste when shipped off-site for recovery. Chemicals listed under 40 CFR 261.33 are not considered hazardous waste until they are intended to be discarded.

I hope this letter adequately addresses the regulatory status of waste perchloroethylene from your facility. Should you have questions, please call Jacqueline Sales, of my staff, at (202) 382-4770.

Sincerely,

John M. Skinner
Director
Office of Solid Waste