

PPC 9444.1984(07)

BALLAST FLUID CLASSIFICATION

May 30, 1984

W. H. Yancey
NL Baroid
P.O. Box 1675
Houston, TX 77001

Dear Mr. Yancey:

This is to confirm our May 29, 1984 telephone conversation regarding your letter to Alan Corson dated May 17, 1984, regarding ballast fluid classification. I hope this discussion clarifies your question on the formaldehyde.

Formaldehyde is listed (as U122) in 40 CFR 261.33(f). This listing refers only to discarded commercial chemical products, off-specification species, container residues, and spill residues having the generic name "formaldehyde." The comment in Section 261.33(d) explains that the term "commercial chemical product" refers to a substance manufactured for commercial use which is commercially pure or a technical grade and formulations in which the chemical is the sole active ingredient. It does not refer to a material, such as a process waste, that contains any of the substances listed in 261.33(e) or 261.33(f). To be considered a hazardous waste, such process wastes will be listed in either Sections 261.31 or 261.32 or be identified as a hazardous waste by characteristics as set forth in the regulations.

In other words, formaldehyde (and sodium pentachlorophenate) is being used to keep down growth in the ballast fluid. The fluid is not considered to be the commercial chemical product formaldehyde. Ship ballast fluid would have to be specifically listed as a hazardous waste stream or be hazardous on the basis of the characteristics (ignitability, corrosivity, reactivity, or EP toxicity), as explained above.

If you have any further questions, feel free to call me at (202) 382-4804. You should also be able to contact the RCRA/Superfund Hotline tollfree at (800) 424-9346 for assistance with any aspect

of the RCRA regulations.

Sincerely yours,

Irene Horner
Studies and Methods Branch (WH-562B)