

9444.1985(01)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 85

1. The New York State Health Department deemed a house unfit for habitation due to excessive chlordane levels in the soil around the house. The soil contaminated with chlordane was removed and placed in 55-gallon drums. The removal resulted in 45 drums of contaminated soil with an average concentration of 50 ppm. Is this contaminated soil a RCRA hazardous waste?

The contaminated soil is not a RCRA listed hazardous waste. Chlordane could only be considered a RCRA hazardous waste if it was discarded prior to use or was a container or spill residue. If chlordane met any one of these criteria, it would be a listed hazardous waste (U036), as listed and described in 40 CFR §261.33. In this situation, however, none of these criteria were met because chlordane was applied as a commercial chemical product. The generator must still determine if the contaminated soil exhibits any of the four RCRA characteristics (EP toxic, ignitable, corrosive, reactive). If the soil does not exhibit a characteristic, then it is neither a listed nor a characteristic hazardous waste. Although the contaminated soil is not a RCRA hazardous waste (assuming it does not meet a characteristic), the generator must be cognizant of potential liability under CERCLA if the waste is not managed properly.

Source: Alan Corson (202) 382-4770