

9443.1987(09)

May 13, 1987

Mr. John Whitehead  
Assistant Product Manager  
Madison Chemical Industries, Inc.  
490 McGeachie Drive  
Milton, Ontario L9T 3Y5

Dear Mr. Whitehead:

I am responding to your letter of May 4, 1987, to Mr. Alan Corson requesting confirmation of your interpretation concerning the regulation, under the Resource Conservation and Recovery Act (RCRA), of containers that packaged urethane coating chemicals.

Specifically, you stated that since none of the chemicals used in your two-part urethane coating system are currently listed as "P" or "U" wastes in 40 CFR 261.33, the residues in the containers are not hazardous wastes and, therefore, you would not need to determine whether the containers are empty in accordance with 40 CFR 261.7.

Your interpretation is partially correct. Part 261.7 deals with any hazardous waste residues left in containers, not just the commercial chemical products listed in Part 261.33 (or those hazardous wastes listed in Parts 261.31 and 261.32). Therefore, it also will be necessary to demonstrate that the container residues do not exhibit any of the hazardous waste characteristics (ignitability, corrosivity, reactivity, or extraction procedure (EP) toxicity) before stating that the residues are not hazardous. If the residues, in fact, are hazardous (i.e., they exhibit a hazardous waste characteristic) then Part 261.7 should be used to determine whether the container is empty.

If you require additional information, please contact Ed Abrams at (202) 382-4787.

Sincerely,

Original Document signed

Robert M. Scarberry  
Chief, Listing Section

cc: Alan Corson, EPA/OSW

RO 11246