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June 24, 1985

SPENT SOLVENT MIXTURE (NALCAST 6015/WATER/WAX)

Mr. Martin H. Lewis  
Smith & Schnacke  
Suite 2250  
41 S. High Street  
Columbus, Ohio 43215-6199

Dear Mr. Lewis:

This letter responds to your inquiry of June 14, 1985, regarding the regulatory status of a solvent mixture (Nalcast 6015, water and wax) and residue from a water-wall paint spray booth in which solvent-based paints are sprayed.

First, you are incorrect in stating that Nalcast 6015 (used in the removal of wax) is considered a process waste when intended to be discarded. Since Nalcast 6015 is used as a "solvent" (i.e., to clean wax from metal parts) it is considered "spent solvent" when it has served its intended purpose and can no longer be used without further processing. However, you are correct in stating that under the current hazardous waste regulations, spent solvent mixtures are not regulated, unless they exhibit one or more of the characteristics of hazardous waste (i.e., ignitability, EP toxicity, reactivity, and corrosivity).

At this time, the spent solvent listings pertain only to the technical grade or the pure form of the solvent, thus, solvent mixtures remain unregulated. On April 30, 1985, the Agency proposed to close this regulatory loophole by expanding the universe of wastes considered "spent solvents" to include solvent mixtures containing ten percent or more of one or more listed solvents (see enclosed Federal Register notice). When this rule becomes final, Nalcast 6015, when spent or discarded, will be considered a listed hazardous waste. In addition the Nalcast 6015/water/wax mixture also will be considered hazardous waste based on the provision in the "mixture rule" (40 CFR 261.3(a)(2)(iii) which states that a mixture of solid waste and hazardous waste is considered "hazardous waste."

With respect to the water-wall spray booth residue, these wastes are not hazardous waste unless they exhibit one or more of the characteristics of hazardous waste. As you correctly stated, solvent-based paints are not listed hazardous waste when discarded nor are they covered under the spent solvent listings. The listings do not apply to waste streams where solvents are a contaminant.

I trust that this letter adequately responds to the questions raised in your letter. Should you have additional questions, please call Jacqueline Sales, of my staff, at (202) 382-4807.

Sincerely,

Eileen Claussen  
Director  
Characterization and  
Assessment Branch

Enclosure