

9444.1987(42)

SEP 23 1987

Jill M. Blundon
Koppers Company, Inc.
Legal Services
436 Seventh Ave.
Pittsburgh, PA 15219

Dear Ms. Blundon:

In your July 10, 1987 letter, you request written confirmation of the regulatory status under the Resource Conservation and Recovery Act of several substances containing chlorophenolic compounds.

First, you request clarification of the regulatory status of the commercial product Noxtane, a formulation that is sold by Koppers as an anti-staining material for lumber (surface protection agent). My staff has confirmed in conversations with you that pentachlorophenol is the sole active ingredient of this formulation. Discarded unused formulations of pentachlorophenol, such as Noxtane, are listed hazardous wastes under Part 261.31 of the Code of Federal Regulations, namely EPA Hazardous Waste No. F027 (Discarded unused formulations containing tri-, tetra-, or pentachlorophenol, or discarded unused formulations containing compounds derived from the chlorophenols).

Second, you request clarification of the regulatory status of wood chips and sawdust derived from wood which has been treated with pentachlorophenol (Noxtane). These wood chip and sawdust waste are not currently listed as hazardous waste under either Part 261.31 or 261.32. Therefore, these wastes would be designated as hazardous under RCRA only if they exhibited one or more of the characteristics under Subpart C of Part 261.

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You should be aware that the Office of Solid Waste is currently considering listing as hazardous a number of wastes from processes which use chlorophenolic compounds to prevent the staining of wood including spent formulations as well as sawdust and planar shavings. Although these wastes are not currently listed as hazardous wastes, they do contain hazardous constituents and I recommend that you dispose of them in an environmentally safe manner.

Finally, you inquire whether wood chips and sawdust is prohibited under EPA regulations. Unless the materials exhibit a characteristic of hazardous waste, then there are not EPA regulations that prohibit their disposal or incineration.

If you have any questions, please contact Dr. Cate Jenkins of my staff at (202) 382-4786.

Sincerely,

Matthew A. Straus, Chief
Waste Characterization Branch