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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

NOV 20 1985

MIXTURES OF SOLID WASTE AND A WASTE LISTED SOLELY BECAUSE IT
EXHIBITS A CHARACTERISTIC

Mr. Jeffry Spear
Quality Control
Fountain Powerboats, Inc.
P.O. Drawer 457
Washington, North Carolina 27889

Dear Mr. Spear:

The purpose of this letter is to respond to your letter to Mr. James Poppiti, dated October 24, 1985, regarding a exclusion for the waste generated at your facility (listed as EPA Hazardous Waste No. F003). At the present time an exemption exists under § 261.3(a)(2)(iii) of the RCRA hazardous waste regulations that reads:

"a solid waste...is a hazardous waste if...it is a mixture of a solid waste and a hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C."

Fountain Powerboats must determine whether this exemption would apply to the generated waste (i.e., is it a mixture of hazardous waste and solid waste?). You supplied data to demonstrate that your waste does not meet any of the hazardous waste characteristics. Therefore, if this exemption does apply to your waste, then the waste is not defined as hazardous, and an exclusion under §§ 260.20 and 260.22 of the regulations is not necessary.

If you have any additional questions, please do not hesitate to call me, or Mr. Poppiti, at (202) 382-4519.

RO 12498

Sincerely,

Ann Burke Sarno
Environmental Protection Specialist
Waste Identification Branch (WH-562B)