

9441.1989(49)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

SEP 28 1989

MEMORANDUM

SUBJECT: Waste Identification for a Bottling Facility

FROM: Devereaux Barnes, Director
Characterization and Assessment Division

TO: Conrad Simon, Director
Hazardous Waste Compliance Branch (2AWM-HWC)

This memorandum is in response to your memorandum dated September 11, 1989, in which you requested waste identification clarification on two issues concerning Fisher Scientific, Inc.

The first issue revolves around the containerizing of commercial chemical products. The facility takes product in bulk form and containerizes it in smaller vessels via a process line. During the process, some residual material from commercial chemical product number one (e.g., toluene) remains in the process line after purging with pressurized nitrogen gas. When the next bulk order is processed, which involves a chemically different product (e.g., trichloroethylene) commercial chemical product number one contaminates the first few vessels of commercial chemical product number two. This impure product is emptied into a common holding tank (i.e., becomes waste). You ask for the regulatory status of this waste. This waste is an off-specification commercial chemical product and as such is a listed hazardous waste. In the above example, commercial chemical product number two clearly is not used for its solvent properties and, because it is mixed with commercial chemical product number one, the resulting mixture would be correctly designated as an off-specification commercial chemical product.

The second issue concerns characteristic waste (nitric acid). The characterization of solid waste as hazardous is dictated by the regulations under RCRA and appropriate State regulations. The Department of Transportation regulations do not overlap in this particular instance; thus it is correct to state that 49 CFR Section 172.101 has no correlation to, and does not supersede, 40 CFR Section 261.21. If the waste meets the description under Section 261.21, then the waste is classified as Hazardous Waste No. D001; if the waste meets the

-2-

description under Section 261.22, then it is classified as Hazardous Waste No. D002.

If you have any additional questions on these issues, please feel free to contact Mr. Stephen Cochran of my staff at FTS 382-4769.