

9553.1987(07)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

APR 27 1987

Mr. Robert Fixter
Assistant Environmental Manager
S & W Waste Inc.
115 Jacobus Avenue
South Kearny, New Jersey 07032

Dear Mr. Fixter:

This is in response to your letter of February 25, 1987, concerning the applicability of §268.30(a)(3) to any solid or sludge that contains less than 1% of the listed F001-F005 solvent constituents. Specifically, you referred to solvent contaminated rags which have been analyzed and determined to contain less than 1% listed solvents.

The land disposal restrictions final rule (51 FR 40572, November 7, 1986) does not apply immediately to those F001-F005 spent solvent wastes that contain less than 1% solvents. These wastes are subject to a two-year extension of the effective date based on insufficient national capacity. The solvent wastes covered by the extension include solvent-water mixtures, solvent-containing sludges, solvent contaminated soils (non- CFPCLA or RCRA corrective action) and solids. However, in the November 7, 1986 final rule, the Agency inadvertently omitted the reference to "solids" from the regulatory language in §268.30(a)(3). As you correctly noted in your letter, the Agency intended for solvent-containing solids (e.g., rags, pipes, paper) to be included with those materials covered under §268.30(a)(3). "Solvent-containing sludges and solids" are correctly identified in the preamble to the November 7, 1986 final rule as among the wastes granted a two-year national variance (51 FR 40615). As such, solvent contaminated rags are subject to the two-year nationwide variance provided they contain less than 1% total F001-F005 solvent constituents.

We are currently working on a technical correction notice that will correct errors contained in the preamble and regulatory language of the final rule, including the revision to §268.30(a)(3) to include "solids". We expect to publish this notice in the FEDERAL REGISTER within the next couple months.

RO 11240

-2-

I hope this information adequately addresses your concerns. Please feel free to contact me at (202) 475-6715, if you have further questions.

Sincerely,

William B. Fortune
Environmental Protection Specialist
Land Disposal Restrictions Branch