

9444.1986(29)

DEC 8 1986

Dr. George W. Rambo
National Pest Control Association, Inc.
8100 Oak Street
Dunn Loring, VA 22027

Dear Dr. Rambo:

This is in response to your letter of November 13, 1986, requesting an interpretation of the federal hazardous waste rules concerning the disposal of spent ash following fumigation with aluminum and/or magnesium phosphide products.

As you are aware, aluminum phosphide is listed as a hazardous waste (EPA Hazardous Waste No. P006) in 40 CFR §261.33(e). However, this listing only applies to the unused commercial product when discarded as the pure grade, technical grade, or where it is the sole active ingredient in a formulation 1/. Since the product has been used, it would not be considered the listed hazardous waste. Nevertheless, the ash-residue of the product would be hazardous and subject to the appropriate requirements if it exhibits any of the hazardous waste characteristics (i.e., ignitability, corrosivity reactivity, or extraction procedure (EP) toxicity) and if the small quantity generator (SQG) level (1 kg of total hazardous waste calendar month) is exceeded. Thus, when the ash residue is collected, the generator is responsible for determining if it exhibits any of the hazardous waste characteristics; if it does, the additional processing of the residue (i.e., expose to air or place in a water detergent bath) must be managed in accordance with 40 CFR Parts 262 to 266.

If you have any further questions, please feel free to call Wanda LeBleu-Biswas of my staff at (202) 382-7392.

1/ The listing also applies to any off-spec commercial aluminum phosphide, container residues, and spill residues of the unused product.

Sincerely,

RO 11202

Original Document signed
"JD for MW"

Marcia E. Williams
Director, Office of Solid Waste