

9433.1990(02)

SOIL CONTAMINATED WITH TOLUENE DIISOCYANATE (TDI)

MAY 31 1990

Ms. Christine A. Mathias,
Environmental Project Manager,
Heritage Remediation/Engineering, Inc.
P.O. Box 51020
Indianapolis, IN 46251

Dear Ms. Mathias:

I have received your letter dated April 18, 1990 regarding delisting of a soil contaminated with toluene diisocyanate (TDI). In your letter, you 1) described the spill that caused the soil contamination, 2) submitted Material Safety Data Sheets for Mondur 437 (65% to 75% TDI) and ortho-toluenediamine, 3) presented results of soil analysis, and 4) requested that the Agency specify delisting levels for your use in discussion with the State of Indiana on site clean-up.

Please be advised that contaminated environmental media such as the above TDI-contaminated soil must be managed as if they were hazardous wastes until they no longer contain the listed hazardous waste, or unless they are specifically excluded from RCRA regulation. Also note that this contaminated soil is considered hazardous because it contains a substance (TDI) listed as U223 waste, but not according to the "derived from" rule as you cited. You should discuss the necessary clean-up activities and appropriate clean-up standards with the permitting authority (i.e. the State of Indiana). To have a hazardous waste excluded (or deleted), a petition must be filed with EPA Headquarters. Pursuant to 40 CFR 260.22(k), any exclusion rendered by the Agency will only apply to the specific waste generated at the individual facility covered by the petition and detailed demonstrations must be presented to show that hazardous constituents listed on Appendix VIII of 40 CFR 261 that may be present in the petitioned waste are not found at levels of regulatory concern.

You should be aware that the Agency in its delisting evaluation considers any factors (including additional

constituents) other than those for which a waste was listed. Accordingly, a petitioner must demonstrate that the waste does not exhibit any of the hazardous characteristics, and does not contain any constituents at hazardous levels. Typically, we require the use of appropriate ??? methods (EPA Publication "Test Methods for Evaluating Solid Waste", third edition,