

PPC 9444.1987(43)

FILTER CAKE WASTE CONTAINING SOLVENT USED TO
SOLUBILIZE PRODUCT

OCT 9 1987

Ms. Barbara E. Pace
Hogan & Hartson
Columbia Square
555 Thirteenth Street, NW
Washington, DC 20004-1109

Dear Ms. Pace:

This letter is a response to your August 19, 1987, letter in which you request an interpretation of 40 CFR Section 261.31 as it applies to the filter cake waste generated during the production of methyldopa at a Merck and Company facility. Based on a review of the process information that you have provided, we have determined that the filter cake waste described in your letter is not a listed spent solvent waste (F005) for the reason stated below.

The waste in question is generated as a result of filtering the product stream to remove iron. Although toluene is being used for its solvent properties (i.e., to mobilize or solubilize the product), at this point in the process the toluene is not spent. Thus, the iron cake is neither a residual from the treatment of a spent solvent nor a mixture of a solid waste and a spent solvent, but rather a waste that is contaminated with toluene. Pursuant to the listing background document and the preamble to the Federal Register notice, the F001 through F005 solvent listings do not apply to process waste streams that are contaminated with solvents.

Please advise your client that our decision is based on the information provided in your letter and that deviations to the described process could result in a different interpretation. In addition, the generator is responsible for testing this waste to determine if the residual exhibits any RCRA hazardous characteristics (e.g., corrosivity, toxicity, reactivity, or ignitability) as defined in 40 CFR Subpart C.

RO 13060

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If you wish to discuss this matter further, please call
Yvonne Garbe at (202) 475-6679, or myself at (202) 475-8551.

Sincerely,

Robert Scarberry
Acting Branch Chief
Waste Characterization
Branch

cc: Yvonne Garbe, WCB