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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

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Chief
Alternative Technology Section
Toxic Substances Control Division
Department of Health Services
714/744 P Street
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Sacramento, California 94234-7320

Dear Mr. Allen:

This letter responds to your February 6, 1989, correspondence requesting written confirmation of the regulatory status of chlorofluorocarbons (CFCs) used as refrigerants under the Resources Conservation and Recovery Act (RCRA).

As a spent material being reclaimed for reuse, the spent CFCs meet the definition of solid waste under Federal regulations (see 40 CFR 261.2). However, to meet the definition of hazardous waste and, thus, be subject to Subtitle C of RCRA, the spent CFCs must either be specifically listed as a hazardous waste, or must exhibit one or more of the characteristics of a hazardous waste

Certain CFCs that are used for their solvent properties are listed as hazardous wastes when spent (see EPA Hazardous Waste Nos. F001 and F002 at 40 CFR 261.31). Also, certain CFCs that are unused commercial chemical products are listed hazardous wastes when discarded (see 40 CFR 261.33). However, CFCs used as refrigerants, do not meet any of the hazardous waste listings. Thus, a used CFC refrigerant is a hazardous waste only if it exhibits one or more of the characteristics of a hazardous waste.

On July 28, 1989, published a Federal Register notice (54 FR 31335) that clarified the applicability of RCRA Subtitle C regulations to CFC refrigerants (see enclosure). This notice also announced the availability of data relating to whether CFC refrigerants exhibit the characteristic of a hazardous waste. In determining whether the CFC refrigerant to be recycled is a hazardous waste because it exhibits a characteristic of a hazardous waste, a generator may cite the Federal Register notice to demonstrate that such materials do not exhibit a hazardous characteristic under normal operating conditions.

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Should you have any further questions regarding the applicability of RCRA Subtitle C regulation to the recycling of CFC refrigerants, you may contact Mitch Kidwell, of my staff, at (202) 475-8551.

Enclosure

Sincerely,

Original Document signed

Michael J. Petruska
Acting Chief
Waste Characterization Branch