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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

December 13, 1990

Steven Pozner, Director of Compliance  
Clean Harbors Companies  
1200 Crown Colony Drive  
P.O. Box 9137  
Quincy, MA 02269

Dear Mr. Pozner:

This letter is in response to your request for clarification of the use of EPA Hazardous Waste Numbers in identifying pentachlorophenol wastes.

40 C.F.R. § 261.31 identifies EPA Hazardous Waste Number F027 as the following:

"Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)."

40 C.F.R. § 261.24, as amended at 55 Federal Register 11362 (March 29, 1990), identifies, among others, the following compound that exhibits the characteristic of toxicity:

D037 - Pentachlorophenol (regulatory level: 100 mg/L)

It has been, and remains, EPA's approach that, where a waste is listed in Subpart D of Part 261 (§ 261.30 - § 261.33) and a constituent for which it was listed appears in Subpart C of Part 261 (§ 261.20 - § 261.24), the Subpart D, or listed, Hazardous Waste Number is applicable to the waste.

In the case of pentachlorophenol, EPA Hazardous Waste Number F027 would be used for all unused formulations containing pentachlorophenol. EPA Hazardous Waste Number D037 would be used only for wastes which did not meet the criteria of F027. For example, solid wastes mixed with used formulations of pentachlorophenol (old telephone poles, railroad ties, etc.) would carry EPA Hazardous Waste Number D037.



Steven Pozner  
Clean Harbors Companies  
December 18, 1990  
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If you have any further questions or comments on this matter,  
feel free to call me at (617) 573-5778.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. G. Cianciarulo', written over a faint dotted line.

Robert G. Cianciarulo, Chemical Engineer  
RCRA Support Section  
Waste Management Division

cc: Joan Jouzaitis



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

October 26, 1990

Nick Skoularikis, PhD  
Loureiro Engineering Associates  
100 Northwest Drive  
Plainville, CT 06062

Dear Dr. Skoularikis:

We are in receipt of your correspondence of October 22, 1990 relative to a request for interpretation on whether the processing of 1,1,1-trichloroethane contaminated soils in an asphalt batching plant is considered as a beneficial reuse or recycling and therefore not subject to the RCRA hazardous waste regulations.

The processing of the 1,1,1-trichloroethane contaminated soil in an asphalt batching plant is not considered to be a beneficial reuse under 40 CFR §261.6. The 1,1,1-trichloroethane is considered to be a solvent and not a petroleum product such as gasoline or fuel oil. In order for the asphalt batching plant to receive the 1,1,1-trichloroethane contaminated soil, it must have a RCRA permit and have demonstrated that it meets the incinerator standards of 40 CFR Subpart O. Also, your letter does not contain any demonstration on what the benefits of the 1,1,1-trichloroethane would be in asphalt.

In addition, the disposal of the waste is subject to the requirements of 40 CFR Part 268 (Land Disposal Restriction). For the latest requirements with respect to the land disposal restrictions, please refer to the June 1, 1990, Federal Register Notice, 55 FR 22520 for treatment standards which were established for the third third wastes.

If you should have any questions, please call me at (617) 573-9644.

Sincerely,

A handwritten signature in cursive script that reads "Stephen Yee".

Stephen Yee, Environmental Engineer  
Waste Management Division

cc: Dave Nash, CTDEP  
Gerard Sotolongo, EPA  
John Podgurski, EPA  
Bob Cianciarulo, EPA