



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

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

August 5, 1991

Daniel Gillingham, RCRA Compliance Manager  
Franklin Environmental Services, Inc.  
185 Industrial Road  
P.O. Box 617  
Wrentham, MA 02093

Dear Mr. Gillingham:

This letter is in response to your July 12, 1991 letter in which you are requesting Region I's interpretation of the proper hazardous waste classification of soils that are found to have measurable levels of solvents listed in 40 C.F.R. § 261.31 or § 261.33(f). Your concern is focused on the selection of the appropriate EPA waste code (i.e. F, U or D codes) for contaminated soils where the source of the contamination can not be ascertained (either physically or historically).

This issue has generally, in the past, been determined by either EPA or the authorized State environmental agency on a case by case basis. All Region I States are authorized to administer their analog to the federal requirements found at 40 C.F.R. Part 261; these States may support a rationale different from the one outlined below. There are currently no OSWER directives or other guidance documents that pertain to this issue. Region I is, therefore, identifying herein the criteria and issues that Franklin Environmental Services, Inc. should be aware of when classifying soils of this nature.

Applicability of F-Codes to Contaminated Soils

Generally speaking, if a contaminated soil has detectable levels of any of the constituents listed in 40 C.F.R. § 261.31 and there is historical documentation that indicates that these levels can be attributed, in part or in whole, to spent solvents, the appropriate F-code should be applied (i.e. F002, F003, F005, etc.). Region I, in assessing the classification of a contaminated soil, would not necessarily employ a "worst case" scenario (i.e., most stringent treatment standard pursuant to 40 C.F.R. Part 268) in the absence of historical or physical data. The conclusiveness of this data and the specifics of the case would be a deciding factor in determining whether this classification is warranted or not.



### Applicability of U-Codes to Contaminated Soils

In instances where detectable levels of any constituents found in 40 C.F.R. § 261.33(f) are found in the soil and there is historical or physical documentation to indicate that a corresponding commercial chemical product(s) is responsible for these levels, in part or in whole, the appropriate U-code should be applied (i.e. U002, U019, U228, etc.). Again, Region I will continue to assess the conclusiveness of the physical and historical documentation when classifying contaminated soils and applying the appropriate waste code to them.

In instances where the documentation demonstrates that the detectable levels of constituents found in the soil could be attributable to both a spent solvent (or F-coded waste, generally) and a commercial chemical product (or U-coded waste, generally), Region I would recommend applying the appropriate waste code whose corresponding treatment standard (pursuant to 40 C.F.R. Part 268) was more conservative (i.e. more stringent). In most instances, this would mean that the F-code would be applied to such soils in lieu of the presence of attributable U-coded waste contamination.

### Applicability of D Codes to Contaminated Soils

In instances where the physical and/or historical data can not ascertain that the source of detectable levels of contamination in the soil is either derived from a spent solvent or commercial chemical product, the appropriate D-code (characteristic) may be applied. The appropriate characteristic waste code (i.e. EPA waste codes D001 through D043) may be applied to those contaminated soils that exhibit a characteristic pursuant to 40 C.F.R. §§ 261.21, 22, 23 and 24. This scenario would be applicable in those instances where the historical and physical documentation fails to indicate that contamination is attributable to either an F- or U-coded waste.

In instances where the presence of physical and historical documentation (or legitimate lack thereof) demonstrates that detectable levels of contaminants in the soil are not derived from either an F- or U-coded waste and do not meet the definition of a characteristic (D-coded) waste, the soils would not be regulated as a RCRA hazardous waste.

I hope this helps in your understanding of Region I's process in determining the appropriate waste code(s) for contaminated soils. The Region, again, cautions that the extent of documentation needed to make the appropriate waste classification is one which is evaluated on a case by case basis. The criteria outlined herein are intended to interpret, on a qualitative basis, the proper classification of contaminated soils pursuant to 40 C.F.R. Part 261. Site specifics and documentation associated with each

classification of contaminated soils have, and will continue to be the key factor in applying appropriate EPA waste codes to them. Therefore, applying this interpretation in a purely quantitative aspect would be inappropriate.

If you have any additional questions or concerns on this matter, please contact either John Gauthier at (617) 573-9629 or Robert Cianciarulo at (617) 573-5778.

Sincerely,



Merrill S. Hohman, Director  
Waste Management Division

cc: F. Ciavattieri  
J. Blumstein  
WMD Branch Chiefs  
RCRA Section Chiefs