

9444.1986(08)

May 2, 1986

Mr. Gregory J. Harvey
Industrial Hygenist
Occupational Medical Services
Newark Air Force Station, OH 43057-5000

Dear Mr. Harvey,

This letter is written in response to your request that EPA determine whether activated carbon canisters that are used to collect vapors of the solvents Freon 113, 1,1,1-trichloroethane, and methylene chloride, which are generated during the application of certain paint products, are considered to be a hazardous waste.

As you are aware, the Agency has listed these compounds as hazardous wastes when they are used as solvents and have become contaminated with physical or chemical impurities and are no longer fit for use without being regenerated, reclaimed, or otherwise re-processed. Use as a solvent is defined as being used for their solvent properties, that is, to solubilize (dissolve) or mobilize other constituents. For example, solvents used as a cleaning or degreasing agent, a medium for chemical reactions, an extraction agent, a diluent, and similar uses are covered under the F001 through F005 listings under §261.31 of RCRA. These listings, however, do not apply when the solvents are used as reactants or ingredients in commercial chemical products (e.g., paint and coatings). (See 51 FR 6538, February 25, 1986.)

Since the incorporation of solvents into paint formulations does not constitute solvent use as defined in the listing, the solvent vapors collected from paint application are not spent solvents. Unless these canisters exhibit one or more of the hazardous characteristics described under 40 CFR 261.20 - 261.24, they would not be a hazardous waste under the Resource Conservation and Recovery Act (RCRA).

2-

Nevertheless, we believe that sufficient toxicological data exists on these solvents to indicate that the subject canisters may pose a substantial present or potential threat to human health or the environment, if improperly managed. We, therefore, urge you to manage these canisters with proper controls (i.e., as if they were hazardous under Subtitle C of RCRA).

Sincerely yours,

Matthew Straus
Branch Chief