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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SEP 29 1986

Mr. William L. Warren  
Warren, Goldberg, Berman, and Lubitz  
112 Nassau Street  
P.O. Box 645  
Princeton, New Jersey 08542

Dear Mr. Warren:

This is in response to your letter of August 26, 1986, in which you request that EPA confirm that soil contaminated with Chlordane, as a result of application of that pesticide in the normal course of agricultural use, would not automatically be considered a hazardous waste.

The pesticide Chlordane is a listed commercial chemical product (U036; see 40 CFR 261.33(f)) that becomes a hazardous waste when discarded or intended to be discarded. The Agency did not intend to cover those cases when the chemical is released into the environment as a result of use. (See, for example, the enclosed memo regarding the regulatory status of pesticide applicator washing rinse water.) In addition, 40 CFR 261.2(c)(1)(B)(ii) specifically states that commercial chemical products listed in Section 261.33 are not solid wastes (and, thus, not hazardous wastes) if they are applied to the land and that is their ordinary manner of use. Therefore, the contaminated soil would be treated as a hazardous waste (if it is dug up) only if it exhibits one or more of the four RCRA hazardous waste characteristics defined in 40 CFR 261.21 through 261.24.

Please feel free to contact Mr. Matthew A. Straus if you have any further questions; Mr. Straus can be reached at (202) 475-8551.

Sincerely,

Eileen B. Claussen  
Director  
Characterization and  
Assessment Division

Enclosure

RO 11182