

9441.1987(09)

FEB 19 1987

Mr. Gregory A. Hemker
Vice President, Environmental Engineering
QSource Engineering, Inc.
Suite 300
228 Byers Road
Miamisburg, Ohio 45342

Dear Mr. Hemker:

This is in response to your letter of January 8, 1987, requesting clarification on the proper hazardous classification of discarded inks, paints, and adhesives that contain certain solvents. These waste inks, paints, and adhesives are process wastes that are not currently listed in Subpart D of 40 CFR Part 261, and therefore, not subject to Subtitle C regulations unless the waste exhibits any of the four hazardous waste characteristics defined in 40 CFR 261.21-261.24 (ignitability, corrosivity, reactivity, or EP toxicity).

In the event that fresh or commercial grade solvents are present in the product or added to these products as an ingredient in the formulation, the resulting product (or discarded product) is not within the scope of the spent solvent listings. This point is stated in the preamble to the solvent rules as well as the listing background documents. However, should a spent solvent (one that can no longer be used for its original purpose without reclamation) be added to the discarded product, then the resulting mixture is a hazardous waste pursuant to 40 CFR 261.3(a)(2)(iv).

In your case, you claim the discarded products fail the ignitability test and, therefore, are listed as D001 ignitable hazardous waste. I agree with your interpretation of the hazardous classification of this waste.

Also, I agree with your interpretation of the hazardous classification of the waste in the two scenarios enclosed in your letter. If you have further questions regarding the proper classification of solid wastes, please contact Mr. Ed Abrams of my staff at (202) 382-4787.

Sincerely,

Matthew A. Straus
Chief, Waste Characterization Branch

RO 11220