

9441.1987(68)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

August 19, 1987

Mr. G. Thomas Manthey
Executive Vice President
SW Incorporation
P.O. Box B
Saukville, WI 53080

Dear Mr. Manthey:

This is in response to your letter of July 22, 1987, regarding classification of mixtures of listed and characteristic hazardous wastes. First, you asked how to classify two waste streams in the "optional" block of the manifest. There are no EPA or other federal regulations mandating what wastes are to be placed in the optional boxes of the manifest. These boxes were purposely left blank so that each State could decide what should be included there. The U.S. Department of Transportation (DOT) does require the EPA waste codes to be placed in the "U.S. DOT Shipping Description" box, along with the waste's proper shipping name, hazard class, and ID number. (See 49 CFR Parts 171 and 172, and the discussion at 52 FR 4824; February 17, 1987.) Each waste in a waste mixture must be described, i.e., in your examples, you have:

- (1) F003 and D001; and
- (2) U239 and D001.

Your second question concerned whether you are conducting treatment. From the information you provided, I do not think you are conducting treatment. Merely placing different wastes into the same tank truck is not treatment. Under RCRA Section 1004(34), "treatment" means:

"... any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery..."

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In your example, the different wastes that are blended together each appears to be a fuel in its own right. The blending does not appear to accomplish any of the purposes set out in the Statute, and therefore does not appear to be treatment.

If you have further questions in this area, please contact Mike Petruska of my staff at (202) 475-8551.

Sincerely,

Original Document signed

Marcia Williams, Director
Office of Solid Waste