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MAY 19 1988

Michael Fox
Chemical Engineering Services
APTECH
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Dear Mr. Fox:

This letter is in response to your April 21, 1988 letter to Mr. Matthew Straus in which you request clarification of the hazardous waste listings.

The passage you cited from the Handbook for Small Business (EPA 1986) is correct. The remainder of this letter provides some explanatory information on the hazardous waste listings. Discarded commercial chemical products are hazardous wastes if they are listed in 40 CFR 261.33 (the "P" and "U" lists) or if they exhibit one or more of the hazardous waste characteristics of Part 261, Subpart C. A comment in Section 261.33 (d) clarifies that the listing applies to commercial and technical grades of the product, and to formulations in which the chemical is the sole active ingredient. "Sole active ingredient" means the active ingredient is the only chemically active component for the function of the product. If the discarded product is a formulation with more than one active ingredient, it would not be within the scope of the listing in Section 261.33.

The listings of Section 261.31 for spent solvents apply only to solvents which have become contaminated through use. Formulations with many "active ingredients" may be covered by the spent solvent listings in Section 261.31.

If a waste does not meet any of the listings, the generator is required under Section 262.11 to either test the waste or use his knowledge to determine if the waste exhibits a hazardous waste characteristic.

- 2 -

In addition, the generator should check with his state hazardous waste agency for additional wastes which may be regulated under state laws or regulations.

If you have further questions, please contact Mike Petruska at (202) 475-9888.

Sincerely,

Devereaux Barnes, Director
Characterization, and
Assessment Division