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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

APR 14 1989

Elizabeth W. Rovers  
Project Engineer  
C.T. Male Associates, P.C.  
50 Century Hill Drive  
P.O. Box 727  
Latham, New York 12110

Dear Ms. Rovers:

This letter responds to your March 15, 1989 request for clarification of the regulatory status of your client's plastic packing media removed from an air stripping tower that is treating groundwater contaminated with the F001 solvent trichloroethylene (TCE). In particular, you asked how the "derived from" rule applies to the plastic media (i.e., is the media a hazardous waste?) and whether the media, even when treated to non-detectable levels, would have to be delisted to lose its status as a hazardous waste.

The plastic packing media, when removed from the air stripping tower for disposal, is considered a spent material that is subject to regulation as a hazardous waste because it contains a hazardous waste (i.e., F001). The "derived from" rule (40 CFR 261.3(c)(2)) is not directly applicable because the plastic packing media is considered to be an integral part of the treatment process, not a solid waste residue derived from the treatment of a hazardous waste. Therefore, when the media no longer contains the hazardous waste, it no longer is considered to be a hazardous waste and may be disposed in a Subtitle D landfill. The plastic packing media does not need to be delisted; however, the burden of demonstrating that the media no longer contains a hazardous waste remains.

You also stated that your client intends to treat the TCE-contaminated plastic packing media to non-detectable levels by volatilization. You did not provide enough information on this aspect of the process for me to determine whether a permit is required; however, I can state that volatilization does constitute treatment, as defined at 40 CFR 260.10. I urge you to contact the appropriate EPA Regional Office, as well as the State

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regulatory agency to determine whether a permit is required. Also, you should be aware that State and local governments may have applicable regulations that differ from Federal regulations. You should contact the State regulatory agency to determine whether other regulations are also applicable.

Should you need further general information, you may contact the RCRA Hotline at 1-800-464-9346, or Mitch Kidwell, of my staff, at (202) 382-4805. For questions specific to your client's facility, you should contact the appropriate EPA Regional office and the State regulatory agency.

Sincerely,

Original Document signed  
"Edwin F. Abrams for"

Robert W. Dellinger, Chief  
Waste Characterization Branch