

9444.1989(10)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SEP 22 1989

MEMORANDUM

SUBJECT: RCRA Regulation of a Spill of Tetrachloroethylene
Contaminated with Polychlorinated Biphenyls (PCBs)

FROM: Sylvia K. Lowrance, Director
Office of Solid Waste (OS-300)

TO: Steven Wassersug, Director
Waste Management Division, Region III (3HW-00)

This memorandum is in response to a June 9, 1989 letter from Lawrence Falkin of the RCRA Enforcement General Section to Pat Carter of the Headquarters Office of Waste Programs Enforcement (OWPE). In this letter, your staff asked for a determination of whether tetrachloroethylene contaminated with PCBs from the washout of transformers is a RCRA-regulated hazardous waste. Specifically, the tetrachloroethylene was used as a temporary transformer dielectric and to remove residual PCBs from transformers.

Although use as a dielectric does not meet the description of a solvent use, it is clear that the primary reason that the tetrachloroethylene is used is to remove the PCBs from the transformer. Use of tetrachloroethylene (where the before-use concentration is at least ten percent by volume) in "degreasing, cleaning, fabric scouring, as diluents, extractants, reaction and synthesis media, and similar uses" is a solvent use covered by the F002 spent solvent listing description. (See 50 FR 53316, December 31, 1985.) Here, the before-use concentration of the tetrachloroethylene is close to 100%. Spent tetrachloroethylene contaminated with PCBs is a spent solvent (F002) under 40 CFR 261.31 and is subject to all RCRA waste management and corrective action requirements. Further, the Toxic Substances Control Act (TSCA) in no way supersedes RCRA requirements applicable to such wastes. If a conflict between RCRA and TSCA authority were to be found, the more stringent requirements would apply. (See, e.g., 52 FR 25769 - 25770, July 8, 1987.)

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Thank you for your inquiry. If you have any additional questions, please contact Ron Josephson of my office at FTS 475-6715.

cc: Susan Bromm, OWPE (OS-520)
John Smith, OTS (TS-798)
Waste Management Division Directors, Regions I, II, IV - X