

9442.1995(01)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

January 26, 1995

Mr. Charles D. Duthler
ICI Composites, Inc.
2055 East Technology Circle
Tempe, AZ 85284

Dear Mr. Duthler:

This is in response to your letter of July 12, 1994, concerning the characterization of waste streams from polymeric coating operations. You stated that you are working on a project to ensure that waste streams from polymeric coating operations are properly characterized and you ask several questions related to these waste streams. We have addressed your questions in the discussions below. In some cases, the determinations you seek are based on site-specific factors and are best made by the appropriate regulatory agency (i.e., State, or EPA Region implementing the RCRA program for a particular State). Where applicable, we have provided general information to assist you in making your determinations, but we recommend that you contact other more appropriate offices for the determinations you seek.

1. How does a generator determine if his/her equipment qualifies as a manufacturing process unit?

As you have noted, the preamble language at 45 FR 72025, October 30, 1980, describes examples of manufacturing process units. These include "...distillation columns, flotation units, and discharge trays of screens..." The preamble language also describes these units as "tanks, or tank-like units (e.g., distillation units) which are designed to hold valuable products or raw materials in storage or transportation or during manufacturing." (45 FR 72025, October, 1980) A determination of whether the units you describe are manufacturing process units is best made by the regulatory agency (i.e., EPA region or State) implementing the RCRA program in the area of operation. In addition, States with authorized programs may impose more stringent requirements. For these reasons, consultation with the

State in which polymeric coating operations will take place is recommended.

2. If an ignitable residue is removed from a unit with a wiper, does the resulting waste carry the ignitability characteristic, or is the contaminated wiper to be evaluated to determine if it exhibits the characteristic? How does the mixture rule apply to wipers used to clean hazardous wastes?

A material that is a solid waste is by definition hazardous waste if it either 1) meets one of the listings in 40 CFR Part 261, Subpart D, or 2) exhibits one or more of the characteristics described in 40 CFR part 261, Subpart C. Because there are no explicit listings for "used wipers" in Part 261, Subpart D, a wiper can only be defined as listed hazardous waste if the wiper either contains listed waste, or is otherwise mixed with hazardous waste. Whether or not a wiper contains a listed hazardous waste, is mixed with listed hazardous waste, only exhibits a characteristic of hazardous waste, or is not a waste at all, will require site-specific determination. Any determinations or interpretations regarding this diverse and variable waste stream should be made by the appropriate State or EPA Region. We have enclosed a memo from Michael Shapiro to EPA Regional Waste Management Division Directors dated February 14, 1994, on the subject of industrial wipers and shop towels for your information.

3. What is the status of the proposed rule amending SW-846 to identify the technique suitable to determine if a material contains a liquid for an ignitability determination?

The proposed rule is still undergoing Agency review. Promulgation of the Agency's final ruling should occur in early 1995. In the interim, the Paint Filter test is the method to use to determine if a free liquid is present for ignitability determination.

4. How does a generator determine if his/her wastes exhibit the potential for spontaneous combustion?

No test method has been promulgated for "spontaneous combustion". It is the generator's responsibility to compare the properties of his waste with the narrative definition at 40 CFR §261.21(a)(2) and determine if the waste poses a hazard if improperly disposed. Also be aware that the U.S. Department of

Transportation, at 49 CFR §173.124(b), discusses "spontaneously combustible material" and describes a Test Method for Materials Liable to Spontaneous Combustion in 49 CFR Part 173 Appendix E.

I hope this letter is of assistance. If you have further questions, please contact Ann Codrington at (202) 260-4777, or Oliver Fordham at (202) 260-4778.

Sincerely,

David Bussard, Director
Characterization and Assessment Division