

PPC 9443.1984(09)

CORROSIVE SOLIDS, COMMERCIAL CHEMICAL PRODUCTS, REACTIVE
WASTES DEFINED

NOV 29 1984

NL Baroid
NL Industries, Inc.
Mr. W. H. Yancey
P.O. Box 1675
Houston, TX 77251

Dear Mr. Yancey:

I am glad to clarify the issues of hazardous waste
identification you raised in your letter dated November 15, 1984.

First, you asked if physically solid forms of sodium hydroxide
and potassium hydroxide (granular or pellets) are currently
regulated as RCRA corrosive hazardous waste. The answer is no.
Title 40 CFR §261.22(a) defines corrosivity for aqueous solutions
within given pH ranges and for liquids that corrode steel faster
than a quarter of an inch per year under specified test conditions.
The May 19, 1980, preamble, 45 FR 33109 states:

"...there is no demonstrated need to address corrosive
solids at this time. EPA will, however, continue to
seek information on the dangers presented by these wastes
and will consider specific regulatory measures if the
need for more control becomes apparent."

At this time, the Agency is developing a test protocol to
evaluate the leachability of solid-phase corrosives. Further-
more, the new RCRA amendments direct EPA to minimize effects
of hazardous waste on human health and the environment. So
you can see that the status of corrosive solids may be subject
to change in the future.

Second, you wondered if products that contain preservatives
listed in 40 CFR §261.33(f) are subject to regulation as
RCRA hazardous waste. In particular, you asked about potato
starch that has been treated with formaldehyde. The comment

after 40 CFR §261.33(d) explains that commercial chemical products are manufactured for commercial use and are commercially pure or technical grades or formulations in which the chemical is the sole active ingredient. The comment also says that a waste that contains a chemical listed in §261.33(e) or (f) is only a RCRA waste if the waste is listed in §261.31 or 261.32 or if the waste is hazardous by characteristics identified in §§261.20 to 261.24. The comment is in brackets and thus is not part of the regulations, but it conveys the intended meaning of the definition of commercial chemical products. Thus, the potato starch, when a waste whether it is used or not, does not contain a commercial chemical product, since the formaldehyde has already been used in the mixture as a preservative. Furthermore, there are no listed potato starch waste streams. You should determine whether or not the potato starch meets the criteria for ignitability, corrosivity, reactivity, or EP toxicity. In any case, the starch is not a hazardous waste by the mixture rule.

Third, as you know, 40 CFR §261.23(a)(5) does not specify the amount of cyanides or sulfides that would identify a waste as reactive. Presently, EPA is in the process of developing test protocols to quantify the reactive characteristic for cyanides and sulfides. In the meantime, the enclosed regulatory interpretive letter, RIL #2, outlines the Agency's suggested guidelines. Below 10 ppm, the waste will not be considered reactive, and above 200 ppm, it will be considered reactive unless the generator can show why it is not. Between 10 and 200 ppm, the decision will be based on the potential releasability of H₂S or HCN on a case-by-case basis.

All but about seven States and three territories have programs that operate in lieu of the Federal RCRA program, and eight of these programs have received full authorization. When a State has been granted authority to operate the RCRA program, you are subject to the State regulations which may be slightly different. The RCRA/Superfund Hotline at (800) 424-9346 can send you a copy of the State hazardous waste agency addresses and phone numbers if you need it.

If you wish to discuss these questions further, please do not hesitate to call me at (202) 382-4804.

Sincerely yours,

Irene S. Horner
Studies and Methods Branch

Attachment