

9441.1986(92)

SOLVENTS USED AS REACTANT NOT LISTED AS SPENT SOLVENT OR  
COMMERCIAL CHEMICAL PRODUCT

DEC 5 1986

Dr. Gerald Spiegelman  
Environmental Controls Manager  
Interwaste Services Co.  
West Market Street  
Campbelltown, Pennsylvania 17010

Dear Dr. Spiegelman:

This is in response to your letter of September 17, 1986, regarding the applicability of the hazardous waste regulations, specifically 40 CFR 261 and 40 CFR 268, to still bottoms generated from distillation of spent xylene from the manufacture of sodium xylenesulfonate. I apologize for the delay in responding to your letter. During the recent months we have been using all available resources to develop the land disposal restrictions final rule (51 FR 40572, November 7, 1986).

A process waste containing solvents where the solvent is a reactant in the formulation of commercial chemical products are not covered by the spent solvent listings (EPA Hazardous Waste Nos. F001, F002, F003, F004, and F005). According to the information provided in your letter, xylene is used as a reactant in the manufacture of sodium xylenesulfonate, therefore, you are correct in noting that excess xylene from this process would not be covered under the F003 solvent listing. Still bottoms generated from the distillation of the excess xylene would not be a hazardous waste unless they exhibit one or more of the characteristics of hazardous waste (i.e., corrosivity, ignitability, EP toxicity, or reactivity). Furthermore, as you correctly stated, spent xylene and still bottoms from the recovery of xylene used in your process does not meet the listing description for EPA hazardous waste number U239, since it is not a discarded commercial chemical product, off-specification species, or other material identified under 40 CFR 261.33.

The first class of wastes subject to the land disposal restrictions effective November 8, 1986, include the F001-F005 solvents

and certain dioxin-containing wastes. Therefore, the xylene still bottoms generated from your process would not be subject to these rules. If these wastes exhibit one or more of the characteristics of hazardous waste, they will be subject to the land disposal restrictions when the Agency promulgates treatment standards for characteristic wastes by the May 1990, statutory deadline.

I hope this information adequately addresses your concerns. Please feel free to contact Bill Fortune, of my staff at (202) 475-6715, if you have further questions.

Sincerely,

Jacqueline W. Sales, Chief  
Regulation Development Section