

9444.1989(14)

RCRA/SUPERFUND HOTLINE SUMMARY

NOVEMBER 1989

3. 40 CFR Section 261.33: Spills of Commercial Chemical Products

Any residues or contaminated soils, waters or other debris" ...resulting from the cleanup of a spill into or on any land or water of any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (e) or (f)..." of Section 261.33 are hazardous wastes if and when they are intended to be discarded. (40 CFR 261.33(d)) Does 40 CFR 261.33 only apply to spills "into or on any land or water," or are other types of spills covered (i.e., debris that result from a cleanup of a spill wholly contained within a building)?

In the November 25, 1980 Federal Register EPA states that the purpose of 40 CFR Section 261.33 is to regulate the listed chemical products (and spill residues thereof) as hazardous wastes when they are discarded or intended to be discarded. (45 FR 78540) Although not specifically stated in Section 261.33(d), EPA intends that this section apply to all spill residues, regardless of where the spill occurs. The scope of this regulation includes not only spills on land or into water, but also other types of spills.

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