

2. Use as Ingredient Not within Solvent Listing;

The spent solvent listings (F001-F005) apply to only those solvents that are used for their "solvent" properties, such as to mobilize or dissolve other constituents, and not those used as an ingredient in the formulation of a commercial chemical product (50 FR 53315; December 31, 1985). If the owner or operator of a facility thins a paint product with toluene of greater than ten percent concentration before applying the paint to the facility, would any unused paint be considered F005 if it is disposed of?

The paint mixture would not be considered a listed F005 waste when disposed. Although toluene, when a spent solvent, meets the F005 listing description, use of a solvent as an ingredient is not covered by the spent solvent listings. Thus, when unused solvent is added to a product (e.g., paint, ink) as an ingredient, any unused product being disposed of would not carry an F listing. However, if the solvent served as the sole active ingredient for the function of the product (i.e., a solvent), then the disposed unused product may be a P- or U-listed hazardous waste (261.33).