

Mr. Michael Gage  
New Jersey Department of Environmental Protection  
Southern Regional Field Office  
Bureau of Hazardous Waste Compliance and Enforcement  
2 Riverside Drive  
1 Port Center, Suite 201  
Camden, New Jersey 08102

Dear Mr. Gage:

This letter is in response to your request of October 3, 2003 for a regulatory interpretation regarding materials generated by the Stepan Company (Stepan) at its Fieldsboro, New Jersey surfactant manufacturing facility. Specifically, you ask whether in EPA's view these materials qualify for the exclusion at 40 CFR 261.4(a)(7) when they are sent to Rhodia, Inc. for use as a feedstock in a sulfuric acid production furnace. Section 261.4(a)(7) provides that "spent sulfuric acid used to produce virgin sulfuric acid" is not a solid waste pursuant to regulations under the Resource Conservation and Recovery Act (RCRA). The exclusion does not apply if the spent sulfuric acid is accumulated speculatively within the meaning of section 261.1(c)).

You transmitted a letter dated September 19, 2003 from Mr. Daniel R. Callahan, Environmental and Regulatory Manager at Stepan's Fieldsboro plant, to the New Jersey Department of Environmental Protection. The letter contains information about the manufacturing process in question, which reacts hydrocarbon feedstock with sulfur trioxide (anhydrous sulfuric acid) in the presence of concentrated sulfuric acid to produce sulfonic acid. The process also generates a waste solution which contains sulfuric acid. According to the letter and a subsequent Material Profile Data Sheet (MPDS) provided by Rhodia, the waste solution in question consists of hydrated sulfuric acid at concentrations of 4-15%, while the remainder is mostly sulfonation residuals from Stepan's sulfonic acid production process.

Assuming that the information contained in the letter from Stepan and the MPDS is accurate, it appears that when the sulfuric acid is removed from Stepan's process, it

can no longer serve its intended purpose of supporting the manufacture of the surfactant sulfonic acid. Therefore, the wastestream would be classified as spent sulfuric acid which is hazardous because

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it has a pH of less than 2, thereby exhibiting the characteristic of corrosivity pursuant to 40 CFR 261.22(a)(1). In addition, the concentration of sulfuric acid appears to be within the range that was described in the rulemaking record for the sulfuric acid exclusion (see the Memorandum from Gary L. Ford of Stauffer Chemical Company to Mr. Steven Lingle of the Office of Solid Waste, July 19, 1983, which states that the general range of the concentration of spent sulfuric acid was 5-100%). Sulfuric acid sent by manufacturers to sulfuric acid production furnaces is generally contained in solution, with varying concentrations of sulfuric acid. Rhodia uses the material to make a final product that it markets as "highly pure" or "fresh" sulfuric acid. Accordingly, it appears that Stepan's wastestream qualifies for the exclusion at 40 CFR 261.4(a)(7).

As you know, New Jersey is authorized to implement the hazardous waste program in lieu of the federal program, and its regulations may be more stringent than the federal regulations.

I hope this letter addresses your concerns. If you should have any additional questions, please contact Michael Boeglin of my staff at (703) 308-0091.

Sincerely,

Robert Dellinger, Director  
Hazardous Waste Identification Division

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