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TITLE: Applicability of the RCRA Dioxin Listings Published in the Federal Register on January 14, 1985, to Wastes from Wood Preserving Processes Using Pentachlorophenol

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Subject: Applicability of the RCRA Dioxin Listings Published in the Federal Register on January 14, 1985, to Wastes from Wood Preserving Processes Using Pentachlorophenol

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Summary:

The hazardous waste listings related to pentachlorophenol promulgated on January 14, 1985 (F021, F027, and F028), are not typically generated by the wood preserving industry. The final dioxin rule therefore does not generally include wastes by the wood preserving industry. Wood treatment facilities could be covered under the dioxin regulations if a wood preserving facility:

- o makes a derivative of pentachlorophenol: the resulting waste would be F021;
- o makes formulations containing tri-, tetra-, or pentachlorophenol or its derivatives: the resulting waste would be F021;
- o discards unused formulations containing tri-, tetra-, or pentachlorophenol or its derivative: the waste would be F027.

The Agency is currently investigating whether wastes resulting from wood preserving processes using pentachlorophenol should be listed as hazardous (or acute hazardous) wastes and whether CDDs and CDFs should be added as constituents of concern in the wood preservation process waste already listed (K001).

MAR 4 1985

Mr. Walter G. Talarek -
American Wood Preservers Institute
1945 Gallows Road
Vienna, Virginia 22180

Dear Mr. Talarek:

This letter is in response to your letter dated February 14, 1985 in which you request clarification of the dioxin listing. In particular, you asked for comment regarding the applicability of the RCRA dioxin listings published in the Federal Register on January 14, 1985 to wastes from wood preserving processes using pentachlorophenol.

As you state in your letter, the following hazardous waste listings relating to pentachlorophenol were promulgated on January 14, 1985:

- P021: Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives (H)
- P027: Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols... (H)
- P028: Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. P020, P021, P022, P023, P026, and P027 (T)

[Please note that, contrary to the statement in your letter, the latter is a "T" not "H" waste.]

Most of these wastes are not typically generated by the wood preserving industry. We, therefore, generally agree with your assessment that the final dioxin rule (published on January 14, 1985) does not include wastes by the wood preserving industry. However, wood treatment facilities could be covered under the listing if:

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A wood preserving facility makes a derivative of pentachlorophenol (e.g., a sodium or potassium salt); the wastes resulting from such a process would be EPA Hazardous waste F021.

A wood preserving facility makes formulations containing tri-, tetra-, or pentachlorophenol or its derivatives; waste resulting from such a process would be F021 wastes.

A wood preserving facility discards unused formulations containing tri-, tetra-, or pentachlorophenol or its derivatives; these would be EPA hazardous waste No. F027.

Furthermore, although most of the wastes generated by the wood preserving industry are probably not regulated by the January 14, rulemaking, you are aware that we are presently investigating whether wastes resulting from wood preserving processes using pentachlorophenol should be listed as hazardous (or acute hazardous) wastes, and whether CDDs and CDFs should be added as constituents of concern in the wood preservation process waste already listed [EPA Hazardous waste K001]. As previously stated, we will take appropriate regulatory action if warranted.

I trust that this adequately addresses the concerns expressed in your letter. Please do not hesitate to call Matt Straus, if you have further questions concerning this matter, Mr. Straus can be reached at (202) 475-8551.

Sincerely yours,

John H. Skinner
Director
Office of Solid Waste

cc: J. Belli