



**DIRECTIVE NUMBER:** 9444.16(85)

**TITLE:** Clarification of January 14, 1985, Dioxin Ruling

**APPROVAL DATE:** 9-26-85

**EFFECTIVE DATE:** 9-26-85

**ORIGINATING OFFICE:** Office of Solid Waste

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**STATUS:**

- [ ] A- Pending OMB approval
- [ ] B- Pending AA-OSWER approval
- [ ] C- For review &/or comment
- [ ] D- In development or circulating

**REFERENCE (other documents):** headquarters

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Key Words: Dioxin

Regulations: 40 CFR 261.32

Subject: Clarification of January 14, 1985, Dioxin Ruling

Addressee: Robert E. Broyles, Purina Mills, Inc., Checkboard Square,  
St. Louis, Missouri 63164

Originator: Matt Straus, Chief, Waste Identification Branch

Source Doc: #9444.16(85)

Date: 9-26-85

Summary:

The letter addresses the following questions:

- o Whether persons who solely blended commercially available materials are exempt from the dioxin regulations; and
- o Whether the rinsate from the equipment so used is EPA hazardous waste.

The dioxin rules promulgated on January 14, 1985, provide that where past manufacturing operations (in this case, the formulation of chemicals derived from 2,4,5-trichlorophenol) presently result in the generation of hazardous waste, owner/operators can either replace the mixing and formulating tanks or they can submit a delisting petition demonstrating that the waste in question does not contain dioxins or -dibenzofurans or other toxicants at levels of concern.

Mr. Robert E. Broyles  
Purina Mills, Inc.  
Checkerborad Square  
St. Louis, MO 63164

SEP 26 1985

Dear Mr. Broyles:

This is in response to your letter of September 6, 1985, and pursuant to your conversation with Dr. Judy Bellin. In particular, you requested that EPA clarify whether persons who solely blended commercially available materials are exempt from the dioxin regulations; whether the rinsate from the equipment so used is EPA hazardous waste; and whether EPA can provide for an expedited delisting petition.

Concerning the first point, the dioxin regulations promulgated on January 14, 1985 provide that the past manufacturing operation described in your letter and discussed with Dr. Bellin (i.e., the formulation of chemicals derived from 2,4,5-trichlorophenol) presently results in the generation of EPA Hazardous Waste No. F023. This applies to the waste resulting from the company's mixing and formulating tanks.

Two courses of action are available to change this determination. The company can replace the mixing tanks, or it can submit a delisting petition showing that the waste in question does not contain chlorinated dioxins or -dibenzofurans or other toxicants at levels of concern. Waste generated after substitution of "new" equipment, or after delisting of the waste, would no longer be considered EPA hazardous waste.

With respect to the evaluation of a delisting petition, we cannot guarantee that the petition will be processed expeditiously. The Agency already has approximately 300 petitions that are currently being reviewed and acted upon; your petition would have to be considered in an appropriate order.

I trust the above adequately responds to your concerns. If you have further questions, please call Judy Bellin at (202) 382-4789.

Sincerely,

Matt Straus, Chief,  
Waste Identification Branch

WH-562B/JBELLIN/pes/475-8551/9-24-85/Disk JB0293