

9443.1988(03)

MAR 22 1988

Steve Simpson  
Chief Process Engineer  
Associated Technologies, Incorporated  
212 South Tyron Street, Suite 300  
Charlotte, NC 28281

Dear Mr. Simpson:

This letter is in response to your January 25 letter to Marcia Williams regarding the regulatory status of asphalt materials used at Associated Technologies, Incorporated. Specifically, you requested a determination as to whether the asphalt is a hazardous waste.

If the asphalt were to be used as a commodity, e.g., for paving roads, then it would not be regulated under the hazardous waste regulations. However, since the asphalt is disposed (buried in a trench) it is a solid waste. In the RCRA program, wastes are defined as hazardous if they: (1) are included on the lists of hazardous wastes contained in Subpart D of 40 CFR Part 261 or are derived from, or are mixtures containing, such wastes; or (2) exhibit any of the hazardous waste characteristics described in Subpart C of 40 CFR Part 261 (i.e., ignitability, corrosivity, reactivity, or extraction procedure (EP) toxicity). The descriptions and analytical data you provided for the asphalt materials (AC-20 and Type I) indicates that they do not appear to be hazardous wastes.

However, the descriptions and analytical data you provided appear to relate to the asphalt materials only, rather than the mixture of the asphalt materials and the concentrate from the film evaporator. Thus, if any of the wastes that contribute to the concentrate are listed wastes, or if the asphalt/concentrate mixture exhibits any of the hazardous waste characteristics, the mixture would be a hazardous waste.

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Please note that the interpretation is based upon the information contained in your January 25 letter and reflects current Federal regulations. Since State and local regulations may differ, you are encouraged to contact these authorities to ensure that you are aware of all applicable regulations. Should you have any questions regarding this interpretation, please contact David Topping of the Waste Characterization Branch at (202) 382-7737.

Sincerely,

Original Document signed

Sylvia K. Lowrance  
Director  
Office of Solid Waste

cc: Emily Roth  
David Topping  
Dr. Malcolm Knapp  
U.S. Nuclear Regulatory Commission

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