



DEFENSE LOGISTICS AGENCY
DEFENSE REUTILIZATION AND MARKETING SERVICE
DEFENSE REUTILIZATION & MARKETING OFFICE-KIRTLAND
5050 RANDOLPH AVENUE
KIRTLAND AFB, NEW MEXICO 87117-5856



(needs a formal response please)

28 December 1993

Edward Horst
RCRA Inspection/Enforcement Program Manager
Hazardous and Radioactive Materials Bureau
State of New Mexico Environment Department
Harold Runnels Building
1190 St. Francis Drive
Santa Fe, New Mexico 87502

Mr. Horst:

I have spoken to you previously on the phone in regards to the New Mexico Environment Department policy on soiled rags and cloth towels and I am in need of written clarification/guidance. I am employed by the Defense Reutilization and Marketing Office (DRMO) which is the operator of the hazardous waste storage facility on Kirtland AFB.

I have a copy of the letter on NMED Policy on Soiled Rags which was dated on 01 September 1993 addressed to Mr. Howard E. Moffitt, Deputy Base Civil Engineer on Holloman Air Force Base. In reading this correspondence I thought the subject had been cleared up, however my parent agency the Defense Reutilization and Marketing Service (DRMS) has made another interpretation on the subject of used rags. Their contention based on 40 CFR 261.10 - 261.33 is that if there is not any free liquids present in the container with the rags then this item would not be considered a hazardous waste and is not subject to RCRA regulations. The State of New Mexico Environment Department has stated in the above referenced letter that if a contaminated rag contains a listed hazardous waste or exhibits a hazardous waste characteristic under any circumstance then the rag will be regulated as a hazardous waste.

Could your office make a determination with referenced New Mexico Hazardous Waste Regulations or Federal Regulations on the following examples:

1. A 55 gallon drum of rags contaminated with isopropyl alcohol which normally in liquid form has a flash point of less than 140 degrees farenheit. No free liquid in the drum.
2. A 55 gallon drum of rags contaminated with jet fuel (JP4) which has a flash point of minus 10 degrees farenheit and usually will contain benzene. No free liquid in the drum. The regulatory interpretation is for ignitability.
3. A 55 gallon drum of spill clean up material consisting of rags, spill pads, absorbent with jet fuel. No free liquid in the drum.

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4. A 55 gallon drum of rags contaminated with potassium hydroxide which normally has a pH of greater than 10. What if the solution had a pH of greater than 12.5. There is no free liquid in the drum.
5. A 5 gallon container of rags contaminated with unused 1,1,1-trichloroethane. This item in liquid form when discarded would be assigned waste code U226. No free liquid present.
6. A 5 gallon container of rags contaminated with unused 1,1,1-trichloroethane and unused chloroform. This original item in liquid form when discarded would be assigned waste codes U226 and U044. No free liquid in the container.
7. A 5 gallon container of rags contaminated with unused methyl ethyl ketone and unused 1,1,1-trichloroethane. These items in liquid form when discarded would be assigned waste codes U159 and U226. The flash point of unused MEK is less than 140 degrees fahrenheit. No free liquid in the container.

Upon receipt of NMED interpretations I trust this subject will be closed and that this guidance will serve to keep Kirtland AFB in compliance with all regulations.

If you need further information please feel free to contact the Environmental Branch at DRMO Kirtland at any time. I can be reached at the following number (505) 846-0966 or 846-0977.

Sincerely,



Joseph Pecos
Environmental Protection Specialist
DRMO Kirtland