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March 23, 1994

Joseph Pecos
Environmental Protection Specialist
Defense Reutilization & Marketing Office
5050 Randolph Avenue
Kirtland AFB, New Mexico 87117-5856

Dear Mr. Pecos:

RE: NMED Policy on Hazardous Waste Contaminated Rags

This is in reference to your December 28, 1993 letter to Edward Horst requesting regulatory guidance on the handling and disposition of contaminated rags, spill material, and absorbents, etc. The September 1, 1993 letter to Mr. Howard Moffitt provides the general NMED policy on the handling and disposal of hazardous waste contaminated rags and other materials. The policy as delineated in the September 1, 1993 letter does not necessarily conflict with the interpretation given to you by the DRMS. Regarding the characteristic of ignitability, the waste must be a liquid and have a flash point less than 140°F, or if it is not a liquid it must be capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burns so vigorously and persistently that it creates a hazard. If a rag, absorbent, or other material does not exhibit this characteristic, then it is clearly not a hazardous waste due to ignitability. Of course, a determination must be made as to the other hazardous waste characteristics and whether or not the waste is listed.

Answers to the specific questions raised in your letter are:

1. As per 40 CFR §261.21(a), if the rags did not contain free liquid they would only be hazardous due to ignitability if they were capable, under standard temperature and pressure, of causing fire through friction, absorption of moisture or spontaneous chemical changes and, when ignited, burn so vigorously and persistently that they create a hazard.
2. See the above answer concerning ignitability. Since JP-4 jet fuel is involved, the rags would probably have to be tested for the characteristic of benzene.

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3. See the above answers.
4. The characteristic of corrosivity is clearly defined in 40 CFR §261.22(a). If the rags were not saturated enough to be aqueous, then they would not be corrosive hazardous waste.
5. A rag contaminated with any listed hazardous waste would be considered hazardous waste, regardless of the absence of free liquid, unless the rag no longer met the characteristic for which the constituent(s) was listed.
6. See above answer.
7. See above answer. Methyl ethyl ketone is listed for both ignitability and toxicity. Therefore, even if a rag contaminated with MEK did not meet the ignitability characteristic, it would still be hazardous due to its toxicity.

Hopefully, the above information satisfactorily answers your questions. If you have any further questions, please contact me at (505) 827-4308.

Sincerely,



Coby Muckelroy
RCRA Inspection/Enforcement Supervisor
Hazardous and Radioactive Materials Bureau