



MXI Environmental Services LLC

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CUSTOMER ADVISORY

IS YOUR COMPANY'S DESTRUCTION PROCESS IN VIOLATION OF FEDERAL REGULATIONS?

Your company may face enforcement actions and fines.

Did you know that Federal hazardous waste regulations apply to certain discarded or returned perfume products? If your company accumulates out-of-date, mispackaged, or offspec perfume products then sends them to a *municipal* incinerator for destruction, you need to ensure that you are in not violation of Federal RCRA regulations, specifically 40 CFR 261.

Discarded perfume products with ethanol content greater than 24% and flash point less than 140°F are RCRA hazardous wastes and cannot be disposed of in a municipal incinerator. These products do not qualify for exclusion as “household hazardous waste” because they have not been generated as part of the normal operations of a household (40 CFR 261.4(b)). RCRA regulations do not provide for any exclusion for “consumer commodity” or “consumer packaged” wastes, so discarded perfume products can't be excluded from consideration as hazardous waste on this basis.

In addition, although perfume products are not specifically listed as a hazardous waste (40 CFR 261 Subpart C), if they meet the definition of the “ignitability” characteristic of §261.21 and are more than 24% alcohol, they are hazardous waste and must be labeled with RCRA waste code D001. Once they are no longer suitable for their originally intended purpose, they are considered hazardous waste.

If your company's discarded perfume products are RCRA D001 wastes, then you must

- ❑ prepare a hazardous waste manifest for the shipment;
- ❑ package, mark, and label the waste in accordance with US DOT regulations;
- ❑ use a transporter who has an EPA ID number and the appropriate state permits for hauling waste to treatment facilities;
- ❑ utilize a facility with a RCRA TSDF (transfer station & disposal facility) permit to store and dispose of this material.

If your company doesn't follow these regulations, then it could face enforcement actions that result in significant fines.

Now the good news: You can avoid the hassle and expense of the hazardous waste classification.

First, when your company's perfume products are recycled to reclaim usable ethanol, they are not classified as hazardous waste due to exception 40 CFR 261.6 (3) (i). When you contract MXI Environmental Services to recycle returned perfume products, you avoid the hassles of manifesting, labeling and packaging your perfumes as hazardous waste. Further, recycling can reduce your disposal costs by up to 40%.

Second, recycling removes this potentially large volume of material from the hazardous waste reporting requirements. There is an exclusion for hazardous waste generated in small quantities. A generator who generates no more than 100kg of hazardous waste a month is a "conditionally exempt" small-quantity generator or CESQG (40 CFR 261.5). Waste from a CESQG may be managed in a facility that is not a RCRA-permitted hazardous waste facility. This is a second benefit to the recycling program developed by MXI.

Need assistance evaluating your perfume returns and your destruction process? Call Ron Potter, MXI Environmental Services, at 732.424.8441, extension 101.