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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

DEC 18 1985

Mr. Charles A. Licht, P.E.
President
Charles Licht Engineering Associates, Inc.
P.O. Box 315
Olympia Fields, Illinois 60461

Dear Charles:

Its nice hearing from you again. I haven't forgotten about you and expect to answer all your questions. However, as you may expect, I have been very busy and have not been able to answer the questions you raise in your letters. In this letter, I will answer the questions you raise in your November 27, 1985 letter; I will answer the rest of your questions in the near future. The remainder of this letter will respond to the four questions you ask:

1. You asked whether the Agency has any plans to expand the regulations as they apply to spent lead-acid batteries.

At this point in time, there are not plans to amend the regulations as they apply to spent lead-acid batteries.^{1/} However, as we discussed in the preamble to the January 4th rules, the Agency will be investigating intermediate collection sites to determine whether additional regulation is necessary to control the storage of spent lead-acid batteries at these sites. I will keep you informed when such a study is begun.

2. You ask whether precious metal containing scrap metal is exempt from regulations.

Yes. All scrap metal (as it is defined in the regulations) is exempt from regulation. See 40 CFR 261.6(3)(iv).

- 1/ Spent lead-acid batteries are defined as hazardous at the point they are generated. However, generators, transporters, and persons who store these batteries (but do not reclaim them) are not subject to the hazardous waste regulations.

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3. You ask whether the gold that is recovered from cyanide solutions is still considered hazardous? In addition, you request whether the cyanide solution from which the gold has been reclaimed (and which the cyanide content has been so substantially reduced as to fall well below the criteria for cyanide in a reactivity test) must be delisted before they are considered non-hazardous.

Gold, silver, or other precious metals that are reclaimed from a solid/hazardous waste and that are suitable for direct use or that only have to be refined to be useable are products, not wastes. See 40 CFR 261.3(c)(2); see also 50 FR 634, January 4, 1985. Thus, reclaimed metals (as described above) are not subject to the RCRA Subtitle C regulations. With respect to the remaining solutions, they must be delisted (if they are listed wastes) before they can be handled as non-hazardous. (Of course, if the cyanide solution is not a listed waste, but is hazardous because it exhibits a characteristic, the solution becomes non-hazardous when it no longer exhibits any of the hazardous waste characteristics).

4. You further request clarification of the regulatory status of neutralized acid solutions that are generated in the processing of reclaiming gold.

As indicated in No. 3, the neutralized acid solutions would need to be delisted (before it could be considered non-hazardous) if the acid solutions were listed wastes. On the other hand, if the acid solutions are characteristically hazardous, these wastes become non-hazardous when they no longer exhibit any of the hazardous waste characteristics.

Please feel free to give me a call if I can be of any further assistance.

Sincerely yours,

Matthew A. Straus
Chief
Waste Identification Branch