

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

February 13, 1986

Mr. Charles T. Darrah
Resolve Industries
2705 High Street
Denver, Colorado 80205

Dear Mr. Darrah,

This is in response to your letter dated January 21, 1986, regarding the permitting requirements for recycling operations that immediately recycle hazardous wastes without first storing them. In particular, you request confirmation that a recycling facility that does not store the waste prior to recycling does not need a RCRA permit.

In general, your interpretation (as well as that of EPA Region VIII and the States you have consulted) is correct (i.e., recycling facilities that do not store the waste prior to the actual recycling operations do not need a RCRA permit). However, if the material is to be recycled in a manner analogous to land disposal -- use constituting disposal -- or incineration -- burning for energy recovery -- the recycling activity itself is (or will be) permitted whether or not storage is occurring.^{1/} In addition, the question of whether storage is occurring prior to the actual recycling activity is a factual question to be determined on a case-by-case basis.

Please feel free to give me a call if I can be of any further assistance; my telephone number is (202) 475-8551.

Sincerely,

Matthew A. Straus
Chief
Waste Identification Branch (WH562B)

^{1/} Although a permit may not be necessary where storage does not occur, the facility must still meet the notification requirements under Section 3010 of RCRA and the manifest requirements of 40 CFR 265.71 and .72.

February 13, 1986

Resolve Industries
2705 High St.
Denver, CO 80205

Matt Straus (WH-562B)
Environmental Protection Agency
401 M St. S.W.
Washington, D.C. 20460

Dear Mr. Straus:

On May 29, 1985, I attended a Washington meeting with you, Barry Stoll, and Bob Westcott. Industry representatives from the dry cleaning industry and several other interested parties were present. One of the main topics discussed at the meeting was the subject of permits and immediate recycling. It was my understanding that the transportation, storage, and disposal of hazardous waste required permits, but that recycling did not.

Therefore, if you have a recycling facility without storage (immediate recycling), that facility would not need a permit. Isn't that the intent of CFR40 261.6 (c) (2)? We are not talking about on-site recycling by a LQG. We are referring to a recycling facility located away from the origin of the waste. This facility would receive its material from a licensed transporter. The material would not be stored at all, but would immediately be recycled. There would also be no pretreatment of the waste.

Several states have agreed with us on this point. We have also had a favorable response from EPA Region 8. We are now prepared to go national with our centers, and it would greatly facilitate the approval process to have a letter from your office confirming the immediate recycling concept. The regional EPA officials and state organization officials wish to be sure of the national stand. Any clarification you can give would be greatly appreciated.

Sincerely yours,

Charles T. Darrah

