

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

December 4, 1986

MEMORANDUM

SUBJECT: Regulatory Interpretation Regarding Spent Refractory Bricks that are Processed
at the Universal Materials, Inc. Facility in Magadore, Ohio

FRQM: Marcia E. Williams, Director Office of Solid Waste (WH-562)

TO: David A. Stringham, Chief Region Solid Waste Branch, 5H5-13

This is in response to your memorandum of October 16, 1986, regarding the regulatory status (under the Federal hazardous waste rules) of the spent refractory bricks that are processed at Universal Materials, Inc. facility in Magadore, Ohio. Based on your memorandum, the attachment to the memo (Position Statement of Universal Materials, Inc.), and a discussion with Ms. Rebecca Strom, of your staff, we believe the spent refractory bricks are not solid wastes and, therefore, not hazardous wastes, unless these bricks are speculatively accumulated. This interpretation is based on our understanding that the bricks are used/reused as ingredients in an industrial process to make new refractory bricks. 1/ See 40 CFR 261.2(e)(1)(i).

With respect to the specific questions you raise in your letter:

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- 1/ Our understanding of the process is as follows: (1) the bricks are sent to Universal Materials, Inc. where they are first sorted by type of brick (i.e., Alumina brick, Chrome/Mag brick, Silica brick, etc.); (2) the bricks are then crushed, ground, sized, and packaged for shipment off-site; (3) "brick pieces" are then used as an ingredient to make new refractory bricks.

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Are the spent refractory bricks considered a spent material or a by-product under the hazardous waste rules?

Since the refractory bricks are not solid wastes (i.e., they are used/reused), the answer to this question is not germane. Therefore, it's not necessary to deal with this particular issue.

- How a representative sample should be obtained?

As is stated in your memo, the spent refractory bricks are stored in a waste pile prior to recycling. Guidance has been provided on how to collect representative samples from waste piles in the guidance manual, "Petitions to Delist Hazardous Waste."^{2/} In summary, the pile should be divided into quadrants, and each quadrant sampled using a two-dimensional grid and random vertical core sample collected. You should refer to this document for further information in collecting representative samples.

- Whether the secondary material is actually reclaimed prior to reuse?

As indicated earlier, based on our understanding of the processing of the refractory bricks, these materials are not reclaimed, but rather are used/reused. As we discussed in the preamble to the January 11, 1985 Definition of Solid Waste rulemaking, processing steps that do not themselves regenerate or recover material values are not reclamation. Examples of operations that do not constitute reclamation that are provided in the preamble refer to briquetting or sintering operations which are agglomerating type processes; crushing/grinding are similar types of processes. Therefore, we do not see the processing operations conducted by Universal Materials, Inc. as constituting reclamation.

Whether the secondary material is being accumulated Speculatively?

Whether or not the refractory bricks are accumulated speculatively will depend on the hazardousness of these bricks and the percentage of the refractory bricks that are recycled within the calendar year. These questions can only be addressed based on the facts in this case.

Please feel free to contact Matt Straus at 8-475-8551 if you have any further questions.

Cc: Solid Waste Branch Chiefs (EPA Regions I-IV & VI-X)

^{2/} This manual is available through the Department of Commerce, National Technical Information Service (PB 85 1911488), 5285 Port Royal Road, Springfield, VA 22161.

