

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

AUGUST 9, 1988

Margaret R. Tribble
Legal Department
American Cyanamid Company
One Cyanamid Plaza
Wayne, NJ 07470

Dear Ms. Tribble:

This letter is in response to your July 14, 1988, request for additional clarification of the regulatory status of used sulfuric acid. I must reiterate that each generator must make his own determination regarding whether his secondary material is a solid waste. Assistance in making such determinations may be provided by the appropriate State authority or the EPA Regional Office. Please understand that in the case of used acid, very detailed information about the reactants, reaction mechanisms, and contamination of the used acid is necessary, as well as information regarding the secondary use. The following is general guidance on solid waste determinations for used acids.

If the secondary use of the acid has the same purpose as the primary use (e.g., once-used sulfuric acid from isoparaffinolefin alkylation can be directly reused in that or another alkylation reaction) then there may be a basis for claiming that the once-used sulfuric acid is "leftover, unreacted" catalyst. The RCRA regulations provide criteria and documentation requirements for such claims at 40 CFR 261.2(e) and (f). However, in other instances, e.g., sulfuric acid from chlorine dehydration is too dilute for reuse in that reaction, the acid may fit the definition of a spent material; that is, the used acid is too dilute for reuse in dehydration because it has been contaminated by water and as a result of contamination, can no longer serve the purpose for which it was produced without processing. (See Section 261.1(c)(1).) If the spent acid is then used to make fertilizer, it is a solid waste. Reuse of the spent acid as a fertilizer ingredient does not meet any of the exclusions in Section 261.2(e)(1) because paragraph (e)(2)(i) provides that secondary materials placed on the land remain solid waste. If, however, the spent acid is reused directly as an ingredient in a product not placed on the land, not burned, and the other conditions in Section 261.2(e) are met, then the material would not be a solid waste.

Please contact Mike Petruska at (202) 475-9888 if you have additional questions in this area.

Sincerely,

Devereaux Barnes, Director
Characterization and Assessment Division

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