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United States Environmental Protection Agency  
Washington, D.C. 20460  
Office of Solid Waste and Emergency Response

April 29, 1993

Mr. Kevin Tighe  
Tighe, McInroy & Corbett  
1750 Pennsylvania Avenue  
Suite 1201  
Washington, D.C. 20006

Dear Mr. Tighe,

Thank you for your letter dated February 10, 1993, written on behalf of the National Automotive Radiator Service Association (NARSA). In your letter you requested guidance concerning the regulatory status under the Resource Conservation and Recovery Act (RCRA) of solder drippings generated during radiator repair operations.

Based on the information provided in your letter, the solder drippings you described would meet the definition of scrap metal under 40 CFR 261.1(c)(6) [" . . . bits and pieces of metal parts ... which when worn or superfluous can be recycled."] Secondary materials that meet the definition of scrap metal, while remaining solid and hazardous wastes, are excluded from federal RCRA regulations if they are recycled [40 CFR 261.6(a)(3)(iv)].

We would encourage radiator repair shops to recycle their solder drippings wherever possible, and to engage in "good housekeeping practices" with respect to the collection and storage of the solder drippings prior to recycling (see footnote 1). Good housekeeping would include practices that prevent the release of lead into the environment, such as regular floor sweepings in areas where solder falls, adequate storage of the solder drippings destined for recycling, and the segregation of solder drippings from other wastes and debris not intended for recycling. Adherence to these practices may also provide indicia to the regulatory agency implementing the RCRA program that the solder drippings are in fact going to be recycled.

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Finally, please note that under Section 3006 of RCRA (42 U.S.C. Section 6926) individual states can be authorized to administer and enforce their own hazardous waste programs in lieu of the federal program. When states are not authorized to administer their own program, the appropriate EPA Region administers the program and is the appropriate contact for any case-specific determinations. Please also note that under Section 3009 of RCRA (42 U.S.C. Section 6926) states retain authority to promulgate regulatory requirements that are more stringent than federal regulatory requirements. Therefore, I would encourage those persons generating and recycling solder drippings to make sure they are familiar with any state requirements applicable to this type of material.

If you have any additional comments or questions, please feel free to contact me directly, or call Ross Elliott of my staff at 202/260-8551. Thank you for your interest in hazardous waste recycling.

Sincerely,  
Sylvia K. Lowrance, Director  
Office of Solid Waste

- 1 If the solder drippings are not going to be recycled, the scrap metal exemption does not apply.