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

July 11, 1994

William E. Amour
President
Amour Hydro Press, Inc.
1120 E. Stevens
P.O. Box 42
Sultan, West Virginia 98294

Dear Mr. Amour:

Thank you for your letter of June 20, 1994, requesting clarification of the how the "waste resins" that your company plans to reuse as feed stock to manufacture new products are regulated under Resource Conservation and Recovery Act (RCRA) regulations.

First, I would like to commend your efforts to find beneficial uses for materials that would otherwise be disposed. EPA strongly encourages efforts, such as those being undertaken by your company, to develop environmentally sound recycling technologies.

As to your question of whether the resins you plan to use in your process would be considered a hazardous waste under RCRA, unfortunately, your letter did not provide enough information on how these materials are generated or how they are to be used to allow for a specific regulatory determination. I can, however, provide general guidance on how the RCRA regulations may apply based on the limited information provided.

In your letter, you describe the feedstock in question as "outdated resins." Based on this description, the feed resins may qualify as off-specification commercial chemical products. The RCRA hazardous-waste regulations provide an exclusion for off-specification commercial chemical products that are recycled in a manner other than use constituting disposal or burning for energy recovery, unless that is their originally intended purpose (40 CFR 261.2(c)(1)(ii), 261.2(c)(2)(ii) and 261.2(e)(2)). Therefore, if the outdated resins are determined to be off specification

commercial chemical products and it is further determined that they are being recycled, the aforementioned exclusion would be applicable. Also, the regulations provide an exclusion for other types of secondary materials (e.g., spent materials) when they are recycled as ingredients in an industrial process to make a product or as effective substitutes for commercial products. (40 CFR 261.2(e)(1)(i)-(ii)).

It is important to note, however, that determinations regarding the regulatory status of specific products and/or processes must be made on case-by-case basis by the appropriate State or Regional authority. Therefore, in order to receive a definitive determination regarding the regulatory status of the resins you plan to use in your production process, you should contact the appropriate State agency or Regional office. You should also note that some authorized States have adopted programs that are more stringent than the Federal hazardous waste program.

I hope this letter has addressed your concerns. If you have additional questions, please call Mitch Kidwell at (202) 260-8551 or Becky Daiss at (202) 260-8718.

Sincerely,

Michael J. Petruska
Chief, Regulatory Development Branch

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June 20, 1994

Michael Shapiro, Director
Office of Solid Waste
United States Environmental Protection Agency
Washington, D.C. 20460

Re: Using outdated resins

Dear Mr. Shapiro,

Thank you for your reply on our letter regarding tax credits and exemptions. We are researching some of these options.

Another question has developed. In conjunction with recycling cured waste fiberglass, our process has grown to utilize various types of outdated resins, as long as these resins are still in their liquid form. In the State of Washington, material is classified as a waste when it has no viable use. This type of resin waste material has been traditionally been classified as a hazardous waste. Disposal costs for this type of waste material average around \$315 per 55 gallon drum. We propose to use this material as a viable commodity in our end product.

One concern that some of our suppliers have is the issue of waste material classification. Suppliers would like some support information from regulatory agencies that would classify this material as a recyclable commodity, not hazardous waste. This will not only save suppliers the expenditure of hazardous waste transport and disposal, but would ultimately keep this material from being burned out at a hazardous waste disposal site.

I have enclosed some additional literature about our company and pictures of our finished product. Any assistance or direction that you can give would be greatly appreciated. Look forward to your reply.

Sincerely,

Wm. E. Amour
President

RO 11849