

9441.1995(07)

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

February 28, 1995

Mr. John McNally
Coll, Davidson, Carter,
Smith, Salter and Barkett
3200 Miami Center
201 South Biscayne Boulevard
Miami, FL 33131-2312

Dear Mr. McNally:

Thank you for your letter of February 13, 1995 requesting a determination of whether RCRA hazardous waste regulatory requirements apply to the handling, shipment and disposal of household appliance components removed from residences during routine maintenance and repair services.

Under Federal law, wastes from households are exempt from regulation (40 CFR 261.4(b)(1)). Household waste, to be excluded pursuant to 40 CFR Section 261.4(b)(1) must fulfill two criteria: first, household waste has to be generated by individuals on the premises of a household and, second, "the waste stream must be composed primarily of materials found in the waste generated by consumers in their homes." EPA does not distinguish between waste generated at a household by a homeowner and waste generated at a household by a person other than the homeowner (e.g., contractor) provided that the waste is generated as part of daily living (e.g., routine residential maintenance). Under EPA's current reading, solid waste generated by a homeowner, resident, or a contractor at a home as part of routine residential maintenance (as opposed to building construction, renovation, and demolition) would be part of the household waste stream, and thus would be exempt under the RCRA household waste exemption.

From the description provided in your letter, it appears that the thermostat components of residential ovens being handled under your program meet the requirements for exemption as a household waste. Individual states, however, may choose to have their own laws and policies on "household waste". Section 3009 of

RCRA allows states to impose standards more stringent than, or in addition to, those in the Federal program. Therefore, you should contact the states in which the program will be operating for further assistance in determining the appropriate waste management and disposal requirements in each of these states.

You may also be interested to know that EPA has developed a new streamlined regulatory system for used batteries and other waste streams generated by non-households, which we call "universal wastes." One of the goals of this rule is to separate these universal wastes from the municipal waste stream. I have enclosed a copy of the proposal. The Agency expects the final rule to be promulgated later this spring.

Thank you for your interest in proper waste management practices.

Sincerely,

Michael Petruska, Chief
Regulatory Development
Branch

Attachment

COLL DAVIDSON CARTER SMITH SALTER & BARKETT
PROFESSIONAL ASSOCIATION
ATTORNEYS AT LAW

February 13, 1995

VIA FACSIMILE (202-260-0225)

Michael Petruska
Branch Chief
Regulatory Development Branch
Characterization and Assessment Division
U.S. Environmental Protection Agency
401 M Street, N.W.
Washington, D.C. 20460

Re: Regulatory Evaluation

Dear Mr. Petruska:

The following information is provided to you for purposes of obtaining an interpretation from EPA to determine if the Resource Conservation & Recovery Act (RCRA) hazardous waste regulatory requirements apply to the handling, shipment and disposal of household appliance components removed from residences during routine maintenance and repair services. I have been in contact with representatives of several EPA region offices to address this subject as the activity involves removal of appliance components from households in numerous states throughout the country. This request is submitted to you for purposes of confirming my telephone conversations with Marilyn Goode in your office to achieve uniformity and consistency in the application of the EPA regulatory requirements and to ensure compliance in the handling of these items.

The activities involve removal of a thermostat component from ovens located in residences throughout the country. The thermostat component consists of a copper tubing and contains approximately one ounce of sodium potassium alloy liquid sealed within the tubing. The thermostat is removed by the manufacturer's

service representatives and placed in a package in a container in the service vehicle. The component is picked up with other appliance parts by a transportation company and taken to a warehouse facility for further shipping and ultimate disposal. A third company picks up the components and transports them to a facility where the component is opened and the liquid is removed from the thermostat. Based on the nature of the sodium potassium alloy liquid, the material exhibits a reactive characteristic upon removal from the component. Following this reaction, the liquid is disposed of at the facility into a Publicly-Owned Treatment Works (POTW).

During removal of the thermostat and during the entire course of handling and shipping, the component remains intact and is handled in accordance with applicable Department of Transportation (DOT) transportation and labeling requirements similar to the shipment of new thermostat components. Based on the number of states involved and to ensure compliance with applicable regulatory requirements, the entities involved are interested in clarifying and confirming the regulatory requirements related to the handling of this component (and in particular determining if the component is subject to regulation under RCRA Subtitle C). Based on my telephone conversations with Ms. Goode and her discussions with other EPA representatives, I have been informed that this component would be considered within the RCRA household waste exemption and not subject to the RCRA hazardous waste regulations. As I am sure you can appreciate, clarification and confirmation of the applicable regulatory requirements concerning this component is of concern to the companies to ensure the proper and responsible handling of these components in a manner consistent with EPA regulations.

Considering the scope of this activity, the companies are interested in obtaining a response from EPA at the earliest date possible. Your cooperation and attention in this matter is very much appreciated. Please contact me following your review of this information so we can discuss these activities and the evaluation of the regulatory requirements.

Sincerely,

John J. McNally

JJM:mag