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REGULATORY STATUS OF SOLVENT STILL AS RECYCLING UNIT

Mr. Dan Summers
Senior Corporate Attorney
McDonnell Douglas Corporation
Saint Louis, Missouri 63166

Dear Mr. Summers:

This letter is in response to your letter dated April 15, 1985, concerning the regulatory status of equipment, such as a solvent still, which is used to legitimately recycle hazardous waste. In particular, you indicate that in amending the regulations on January 4, 1985 regarding recycle/reuse, the exemption from regulation for units (treatment units) which are conducting legitimate recycling had been deleted, except for those facilities "managing recyclable materials described in §261.6(a)(2) and (3)..." subjecting these units to full regulation under Subtitle C of RCRA, you believe, would be a substantial impediment to the continuation of on-site recycling activities. Therefore, you request clarification as to whether the actual recycling unit (i.e., solvent still) is subject to regulation under the revised solid waste rules.

As we discussed during our telephone conversation, the Agency normally will not regulate the actual recycling process itself (i.e., a distillation column in which solvents are reclaimed or a smelting furnace in which metals are recovered); the only exception to this is when the recycling activity is analogous to land disposal or incineration. Although this point may not be entirely clear in the rule, we believe the preamble to this rulemaking clearly states this point. See, for example, 50 FR 643, 1st column, where we state "As in the proposal (and as under current regulations), hazardous wastes to be recycled--called "recyclable materials" in the regulation--are ordinarily subject to regulation under Parts 262 and 263 of the regulations (when generated and transported) and to the storage facility requirements in Parts 264 and 265 (when

stored before recycling.) We usually do not regulate the recycling process itself, except when the recycling is analogous to land disposal or incineration", see also 50 FR 650, 2nd column, where we state "These provisions state that persons generating, transporting, or storing recyclable materials, who are not explicitly addressed in §261.6(a), are subject to all of the applicable requirements of Parts 262, 263, 264, and 265 of the regulations, as well as to applicable permit requirements."

Therefore, under the January 4, 1985 solid waste rules, your solvent still would not be subject to regulation. Please feel free to give me a call if I can be of any further assistance; my telephone number is (202) 475-8551.

Sincerely yours,

Matthew A. Straus, Chief
Waste Identification Branch

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