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RCRA/SUP HOTLINE MONTHLY SUMMARY

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1. Regulatory Status of Off-Specification Circuit Printing Boards

Periodically, in a circuit board manufacturing process, individual circuit boards are not considered to meet manufacturing specification standards. These units are dismantled, and the materials are reclaimed for use in the construction of new circuit boards. Assuming the circuit boards would exhibit a characteristic of 40 CFR Subpart C, would the dismantling and recycling of the boards be subject to RCRA Subtitle C hazardous waste regulations?

No, reclamation of the off-specification circuit boards would not be subject to the RCRA Subtitle C hazardous waste regulations because the circuit boards are not hazardous wastes.

By definition, for a waste to be a hazardous waste, it must be a solid waste (40 CFR §261.3). To determine whether a material is a solid waste when reclaimed, it must first be determined whether the material is a spent material, sludge, by-product, commercial chemical product, or scrap metal (See 40 CFR §261.2(c)(3).) An unused circuit board is classified in the chemical products category. Although the commercial in the chemical products category in Table I of 40 CFR §261.2(c)(3) is labeled "commercial chemical products listed in 40 CFR §261.33," as explained in a Federal Register notice published on April 11, 1985 (50 FR 14219) the status of commercial chemical products not listed in 40 CFR §261 (i.e., those that exhibit hazardous wastes characteristics) is "the same as those that are listed in Section 261.33." These materials are normally solid wastes only if thrown away, and so are not solid waste if reclaimed. Further, the Agency interprets commercial chemical products to include all types of unused commercial products that exhibit characteristics, whether or not they would commonly be considered chemicals (e.g., circuit boards, batteries, and other types of equipment).

Once it has been determined that the circuit boards are commercial chemical products, 40 CFR §261.2(c)(3) indicates that they are not solid wastes when they are to be reclaimed. Since the circuit boards are not solid wastes, they are not hazardous wastes and the reclamation is not subject to the RCRA Subtitle C hazardous waste regulations. It should also be noted that the 40 CFR §261.2(f) requirement (persons who raise a claim that a material

is not a solid waste document must meet the terms of the exemption) may be applicable.

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