

PPC 9442.1996(02)

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

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

July 5, 1996

Randall A. Jones  
Director, Regulatory Affairs  
Molten Metal Technology, Inc.  
400-2 Totten Pond Road  
Waltham, Massachusetts 02154

Dear Mr. Jones,

Thank you for your letter of June 19, 1996 on EPA's revised "Policy on Enforcement of RCRA Section 3004(j) Storage Prohibition at Facilities Generating Mixed Radioactive/Hazardous Waste." In that letter you express concern that the policy defines "commercially available treatment technology and disposal capacity" to include a facility that has a RCRA permit, interim status, a Research, Development, and Demonstration permit, or a Land Treatment permit. You indicated that based on this definition a generator might assume that recycling facilities are not included as acceptable alternatives for mixed waste disposal. I would point out that the policy does suggest several available alternatives (without specifically endorsing any one of the alternatives) which a generator might explore to dispose of material that is both hazardous and radioactive. Molten Metal's trademarked Quantum-Catalytic Extraction Process is mentioned in the policy as a recent technological development.

There was no intent in the definition to exclude legitimate recycling facilities, but rather to emphasize the use of permitted facilities for waste treatment and disposal. Of course, if the material is legitimately used as an ingredient in a manufacturing process, or if a legitimate recycling facility that meets, or is exempt from, RCRA requirements is available to accept materials EPA would not extend the enforcement policy to generators that did

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not avail themselves of legitimate recycling opportunities. EPA seeks to encourage the reuse of materials when this is possible. I trust this clarifies this issue. If you have further questions, you may wish to contact Nancy Hunt at 703-308-8762, since she chaired the EPA workgroup that drafted the revised enforcement policy.

Sincerely yours,

Matthew Hale, Director  
Permits and State Programs Division