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

OCT 27 1999

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Tracy Mattson
Institute of Scrap Recycling Industries, Inc.
1325 G Street, NW, Suite 1000
Washington, D.C. 20005

Dear Ms. Mattson:

This letter is in response to your letter of June 29, 1999, regarding automotive shredder residue (ASR) and whether it qualifies as hazardous debris. Under current regulations, hazardous debris is any solid material exceeding a 60 mm particle size that is intended for disposal and contains a hazardous waste (see §268.2(g) and (h)). As explained more fully below, a mixture of debris and non-debris material can be considered debris if the debris is greater than 50% of the mixture and if non-debris hazardous waste is not intentionally mixed in for the purpose of avoiding waste treatment standards.

According to the materials you submitted to us on June 2, 1999, ASR is composed of the shredded, non-metal parts of demolished cars (upholstery, rubber, plastics, glass, sand, gravel, etc.). Even though ASR is primarily non-metallic in nature, some metals are typically present because they are not able to be efficiently screened out prior to shredding. Scrap recycling facilities generally must handle ASR as a hazardous waste when it exhibits the toxicity characteristic for some metals. The ASR you described also meets the definition of debris after it leaves the shredder mill, i.e., a majority of the ASR exceeds 60 mm in particle size.

As stated in your June 29 letter, before the ASR is disposed, the ASR undergoes a series of separation processes that enable non-ferrous metals to be recovered. These separation processes break out sub-volumes based on particle size to facilitate metal recovery. Once the metals are removed, the various-sized ASR fractions are recombined before further treatment and disposal.

Our conclusion is that the intermediate, separation processes to recover metals do not alter the ability of ASR to qualify as debris for purposes of meeting the alternative waste treatment standards for debris. As long as the recombined mixture of shredder residue is primarily made up of particles greater than 60 mm in size, the mixture is still considered debris. The act of recombining the waste streams does not constitute intentional mixing of debris with non-debris hazardous waste, which the Agency has stated is a type of impermissible dilution and hence illegal (see 64 Fed. Reg. at 25, 411 (May 11, 1999) and attached memo from Elizabeth Cotsworth to the Regions dated May 28, 1999). In both the Federal Register Notice and the

memorandum, the Agency was addressing the practice of deliberately combining debris with other hazardous waste from different processes and then claiming -- incorrectly -- that the mixture should be classified as debris and thus eligible to be treated using one of the alternative treatment standards for hazardous debris found in §268.45. This principle does not apply to processed ASR (as you describe the process in your letter) because you are not adding a foreign waste to the initial fluff: the recombined particles are from the same process, and the purpose for separating the particles is to recover metals, which is an environmentally sound practice, not to circumvent regulation.

If you have any further questions regarding this matter, please contact Rita Chow at 703-308-6158, or Peggy Vyas at 703-308-5477.

Sincerely,

Elizabeth Cotsworth, Director
Office of Solid Waste

Institute of Scrap Recycling Industries, Inc.
THE ORIGINAL RECYCLERS

1325 G Street, N.W., Suite 1000
Washington, DC 20005-3104

202 • 737-1770
Fax 202 • 626-0900
www.isri.org

June 29, 1999

Ms. Rita Chow
U.S. Environmental Protection Agency
Office of Solid Waste/WTB
2800 Crystal Drive
Arlington, VA 22202

Dear Rita:

Thank you for the opportunity to discuss the applicability of the term 'debris' as it relates to shredder residue and the Phase IV LDRs. It was a pleasure meeting you and I appreciate your willingness to help find an effective and expedient solution to the problem raised by ISRI regarding the statutory conflict surrounding the disposal of PCB bulk product waste contaminated with toxicity characteristic (TC) metals.

As we discussed at the meeting, particle size is the primary factor in determining the applicability of the term 'debris' as it relates to shredder residue. Since the grates on U.S. hammer-mill shredders are 4 to 6 inches, it is likely that a majority, by volume, of the shredder residue would be greater than 60mm (2.5") and thus, would meet the definition of 'debris'.

However, one area of concern that we discussed regarding applicability of the term 'debris' is the industry practice of further separating the shredder residue by particle size in an effort to recover additional metals. As I mentioned at the meeting, shredders will use three to four processes to recover additional non-ferrous metals from the initial shredder residue pile. Nevertheless, these various sized residue streams are ultimately recombined and typically land disposed.

A clarification that the characterization of shredder residue as 'debris' for LDR purposes shall be made at the point of initial generation, *i.e. after the in-feed material is processed by the shredder*, would provide valuable regulatory relief for those facilities that find themselves in the uncommon situation of managing PCB bulk product waste contaminated with TC metals.

To further describe the industry practice of recovering additional metals from shredder residue, I have included a brief SAE Technical Paper on the subject. Again, thank you for your assistance and if I can be of further assistance please do not hesitate to contact me. ISRI looks forward to reviewing the Agency's draft response regarding this issue in the near future.

Sincerely,

Tracy Mattson

Tracy Mattson
Director of Environmental Compliance

cc: Fred Chanania
Peggy Vyas
Steve Silverman
Josh Lewis

Enc.