



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

JAN 26 2007

OFFICE OF  
SOLID WASTE AND  
EMERGENCY RESPONSE

James D. Schultz  
Vice President, Environment and Energy  
American Iron and Steel Institute  
1140 Connecticut Avenue, N.W., Suite 705  
Washington, D.C. 20036

Dear Mr. Schultz:

Thank you for your letter of January 4, 2007, in which you requested that the Office of Solid Waste and Emergency Response (OSWER) issue guidance regarding the status under the Resource Conservation and Recovery Act (RCRA) hazardous waste regulations of spent pickle liquor that is recycled to produce hydrochloric acid and iron oxide. More specifically, you expressed concern regarding lack of consistency among authorized states in applying the RCRA hazardous waste regulations to these types of recycling operations, and suggested that national guidance from the Environmental Protection Agency (EPA) would help to encourage recycling of this type of pickle liquor.

First, you state in your letter that steel companies are concerned "due to EPA's opposition to HCl and iron oxide production." I assure you that the Agency does not at all oppose this recycling practice; we are simply restating our longstanding position that authorized states implement and enforce their own regulations as they may apply to pickle liquor recycling. In fact, we encourage you to continue your recycling efforts in compliance with applicable regulations as applied by authorized states.

Second, we understand that a number of authorized state agencies have used different approaches in applying their hazardous waste regulations to commercial pickle liquor recycling operations. We take no issue with efforts by authorized states to encourage legitimate recycling of spent pickle liquor. On the other hand, we recognize that differing state approaches may result in an inconsistent regulatory landscape for this recycling practice, when viewed from a national perspective. It is understandable that such inconsistencies may be a concern for steel manufacturing companies, especially those with operations in multiple states.

Variations in state application of the hazardous waste regulations result from the RCRA statute -- Section 3006 of RCRA enables EPA to authorize individual states to administer and enforce their own hazardous waste programs, in lieu of the federal

program. In addition, Section 3009 of RCRA gives states the authority to promulgate regulatory requirements that are more stringent and/or broader in scope than federal regulatory requirements. Thus, as a general matter, we believe it is appropriate to rely on authorized state programs to implement and enforce their own hazardous waste regulatory programs. Based on information you provided in your letter, it appears that states are thoughtfully addressing the applicability of their regulations to spent pickle liquor recycling. Moreover, as you are aware, the Agency is currently embarked on a major rulemaking effort aimed at improving the RCRA hazardous waste recycling regulations. Accordingly, we believe it is unnecessary and inappropriate at this time to address the issue of how states should apply their hazardous waste regulations to spent pickle liquor recycling operations.

We expect to publish soon a supplemental proposal to our proposal of October 28, 2003, detailing our proposed revisions to the hazardous waste recycling regulations. I know that your association submitted comments on the 2003 proposal, and I expect that this supplemental proposal will also be of considerable interest to your member companies. We welcome your thoughts and comments on the supplemental proposal as it relates to the issues you raise in your letter and to recycling of hazardous wastes in general.

Again, thank you for your letter. If you have any further questions, please feel free to contact Dave Fagan (703-308-0603; [fagan.david@epa.gov](mailto:fagan.david@epa.gov)) or Amanda Geldard (703-347-8975; [geldard.amanda@epa.gov](mailto:geldard.amanda@epa.gov)) of my staff.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Hale", with a long horizontal flourish extending to the right.

Matt Hale, Director  
Office of Solid Waste