

9432.1989(03)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JUNE 6 1989

Honorable Bill Goodling
House of Representatives
Washington, D.C. 20515

Dear Mr. Goodling:

Thank you for your May 9, 1989, letter referring the communication from your constituent, Mr. Edward E. Shott of Wellsville, Pennsylvania. Mr. Shott is interested in reclaiming palladium, platinum, and other precious metals from discarded automotive and electronic devices, and questions whether there are EPA regulations applicable to such a processing activity. Also Mr. Shott is interested in the production of deuterium oxide (heavy water).

Regarding reclamation, more information is needed to determine whether the materials in question are subject to regulations promulgated under the Resource Conservation and Recovery Act (RCRA). If the material from discarded automotive and electronic devices is scrap metal, the material meets the definition of a solid waste; however, scrap metal that is reclaimed is exempt from regulation as a hazardous waste (assuming it meets the definition of a hazardous waste). If the material is a spent material that does not meet the definition of scrap metal (e.g., a circuit board that has relatively small amounts of metals), it may be subject to RCRA regulations.

In defining hazardous waste, EPA specifically listed residuals from many types of industrial processes as hazardous wastes and has identified characteristics that when met would cause a waste to be considered a hazardous waste. Specific state laws sometimes vary from Federal law, but must be at least as stringent as Federal requirements. Thus, residuals that would be produced in metal recovery may be subject to state or Federal regulations.

The State of Pennsylvania is authorized to administer the Federal hazardous waste program. Thus, I strongly encourage Mr. Shott to contact his State regulatory agency to determine what, if any, regulations apply. In addition, Mr. Shott should contact the Nuclear Regulatory Commission to determine the regulations governing the production and distribution of heavy water.

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Thank you for your interest in reclamation activities. If I can be of further assistance, please let me know. If your constituent, Mr. Shott, has any further questions, he should contact either Robert Dellinger or Mitch Kidwell of my staff at (202) 475-8551.

Sincerely yours,

Jonathan Z. Cannon
Acting Assistant Administrator

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