

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

MARCH 19, 1991

Gary E. Duncan  
Recycling Manager  
Appropriate Technologies II, Inc.  
750 Design Court  
Suite 105  
Chula Vista, California 91911

Dear Mr. Duncan:

This responds to your February 26, 1991 letter to Mr. Straus concerning any recent changes in the regulatory status of the recycling of elemental mercury. You state that several mercury reclaimers you have contacted do not have hazardous waste permits because they fit the scenario described in Mr. Straus' letter to D. F. Goldsmith dated January 21, 1986 (i.e., the 99% pure mercury received is considered a product rather than a waste because it is sufficiently pure so as to only require further refining (e.g., to 99.99% purity) -- rather than more substantial reclamation -- to be usable).

The regulatory interpretation provided in Mr. Straus' January 21, 1986 letter (see enclosure) is still current. However, this interpretation reflects the Federal program. You should contact the appropriate State regulatory agency to determine their interpretations and policies regarding the status of the mercury.

Thank you for your interest in the regulations applicable to hazardous waste recycling. Should you have further questions, you may contact the RCRA Hotline at (800) 424-9346.

Sincerely,

David Bussard  
Director  
Characterization and Assessment Division