

Dr. Steven C. Vick  
Senior Vice President  
Global Environmental Ltd.  
2525 A Stockbridge Drive  
Charlotte, North Carolina 28210

Dear Dr. Vick:

Thank you for your letter of May 24, 2002, in which you describe a proposed Global Environmental gasification project that would use hazardous secondary materials as feedstock to a gasification system. In your letter, you ask for a verification of the Environmental Protection Agency's position on the Resource Conservation and Recovery Act (RCRA) regulations that pertain to the gasification of hazardous secondary materials to produce a synthesis gas where the majority of the resultant synthesis gas would be converted to methanol in a liquid phase methanol unit. From your description and from subsequent conversations between you and my staff, we understand the remainder of the synthesis gas would be sent to a permitted flare and the methanol is used solely in the production of photographic film or other products, not as a fuel. Your letter requests confirmation from the Agency that these materials would not be regulated as solid wastes under RCRA.

In the recent proposed rule covering the gasification of hazardous secondary materials (67 FR 13864, March 25, 2002), the Agency stated its position regarding the regulatory status of such materials as follows:

“Under existing regulations, hazardous secondary materials that are processed in a gasification system to produce synthesis gas and is (sic) used or re-used in an industrial process to manufacture legitimate products are not subject to RCRA jurisdiction through the provisions of 40 CFR 261.2(e)(1)(i). This provision excludes materials from the definition of solid waste if the materials are ‘used or re-used as ingredients in an industrial process to make a product, provided the materials are not being reclaimed.’ As a result, gasification systems that manufacture synthesis gas used exclusively in other on-going manufacturing processes are currently not subject to RCRA jurisdiction because the materials being processed by the system are never solid wastes.”

Please note that 40 CFR 261.2(e) includes three conditions:

1. The materials cannot be used in a manner constituting disposal (this includes the

- vitreous frit you describe as generated in the process).
2. The materials cannot be burned for energy recovery.
  3. The materials cannot be speculatively accumulated.

Also note that under 261.2(e) the use/reuse activity must be legitimate use/reuse, and that these case-by-case evaluations are most appropriately made by the implementing agency.

Based on the information you provided, the incoming materials to the gasification unit would not be solid wastes, as long as the system meets the conditions that you describe in your May 24, 2002 letter.

It should be recognized that this letter provides an interpretation based solely on Federal RCRA requirements and the situation described in general terms in your letter. Authorized States may have more stringent regulations. Each state involved in the application of state waste regulations would need to evaluate the specific conditions involved at the specific site to make their determination of the status of the materials you describe. I urge you to contact the pertinent state to seek their position on your project.

Thank you for your inquiry. If you should have any further questions, please contact Rick Brandes of my staff at (703) 308-8871.

Sincerely,

Robert Springer, Director  
Office of Solid Waste