



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

1998
JAN 15 1998

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

Scott Spear, R.E.M.
Corporate Environmental Compliance Manager
2525 Stemmons Freeway
Dallas, Texas 75207

Dear Mr. Spear:

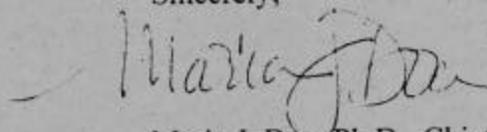
This is in response to your letter dated December 22, 1997, in which you requested guidance on whether or not the article exemption applies to lead in zinc slabs used in the hot dip galvanizing process at Trinity Industries, Inc. For a toxic chemical in an item, in your case the zinc slab containing lead, to be exempt as part of the article, the item must meet all the following criteria in the Section 313 article definition; that is, it must be a manufactured item that is formed to a specific shape or design during manufacture, that has end use functions dependent in whole or in part upon its shape or design during end use, and that does not release a toxic chemical under normal circumstances of processing or otherwise use of the item at the facility.

EPA guidance also states that if, as a result of processing or otherwise use, an item retains its initial thickness or diameter, in whole or in part, it meets the first part of the definition. If the item's basic dimensional characteristics are totally altered during processing or otherwise use, the item does not meet the first part of the definition.

In your letter, you state that zinc slabs, which contain the lead, are placed in a galvanizing bath of molten zinc and melted. In the bath, a liquid layer of almost pure lead is formed at the bottom. From the description you provided, we believe the lead does not qualify for the article exemption. If the zinc slabs containing the lead are melted in the galvanizing bath, the dimensional characteristics of the slabs are retained neither in whole nor in part. Also, if the dimensions are totally altered in the process, the end use functions are not dependent upon the shape of design during end use. In order for the article exemption to be taken, the item must meet all three criteria of the article definition.

I hope this guidance is sufficient for your needs. If you have further questions, please contact me at (202) 260-9592, or Maria Spina of my staff at (202) 260-7258.

Sincerely,

A handwritten signature in cursive script, appearing to read "Maria J. Doa".

Maria J. Doa, Ph.D., Chief
Toxic Release Inventory Branch

✓ cc: IG System