

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

MARCH 21 1997

Alex N. Helperin  
Heller Ehrman White & McAuliffe  
333 Bush Street  
San Francisco, CA 94104-2878

Dear Mr. Helperin:

I am pleased to acknowledge the receipt of your May 24, 1996 letter to Barbara Pace, Office of General Counsel. Your letter has been forwarded to my office for response. In your letter, you request clarification on the application of the regulations regarding reclamation and the status of reclaimed materials.

The regulatory status of a material which is going for reclamation or has undergone some reclamation involves consideration of multiple factors. It is difficult to provide a generic answer to your question without more complete information about your specific situation. Absent this information, it is not possible to address the regulatory requirements that will apply at your specific site. Additionally, Headquarters policy is to not intervene in regulatory issues that arise from the implementation or enforcement of the Resource Conservation and Recovery Act (RCRA) at a specific site or sites, but to defer to authorized States or Regional offices to deal with most site-specific issues. When RCRA was enacted years ago, the Congress expressed a strong preference for a decentralized hazardous waste program that would be implemented and enforced by authorized State agencies (or by the EPA Regions if a HSWA issue). Therefore, many state and local regulatory agencies have their own hazardous waste regulations which may differ from federal regulations.

Because site-specific considerations may factor into determining the regulatory status of a material and, most states implement their own RCRA regulations, we strongly encourage you to contact your state agency to determine which, if any of their regulation are applicable. In California, you may wish to contact Larry Matz, Director, Waste Compliance Division, Department of Toxic Substances at (916) 447-2625. If EPA assistance is required, Richard Vaille of the Region IX Program Office will be glad to work with you. Mr Vaille can be reached at (415) 744-2090.

Faxback# 14071

Thank you for your interest in hazardous waste management. If you have any further questions, you may contact Kristina Meson of my staff at (703) 308-8488.

Sincerely,

Michele Anders, Chief  
Generator and Recycling Branch  
Office of Solid Waste