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## HOTLINE QUESTIONS AND ANSWERS

### RCRA

#### 1. Regulatory Status of Metals Recovery Under RCRA

If an industrial furnace is burning or processing hazardous waste to recover metal values, how is the furnace regulated?

Industrial furnaces burning hazardous waste are generally subject to the boiler and industrial furnace (BIF) regulations in Part 266, Subpart H. Owners and operators of smelting, melting, and refining furnaces that process hazardous waste solely for metals recovery are conditionally exempt from the BIF regulations except for the requirements regarding management of wastes prior to burning (266.101), management of residues (266.112) and the alternative requirements outlined in 266.100(c). Specifically, the facility must: submit a one-time written notification; sample and analyze the waste; maintain appropriate records; and be engaged in legitimate metals recovery. For purposes of this exemption, EPA established three criteria to determine if hazardous waste is processed solely for metal recovery: (1) the heating value of the waste cannot exceed 5,000 Btu/lb (if so, the waste is considered so be burned for energy); (2) the concentration of Part 261, Appendix VIII organic constituents cannot exceed 500 ppm (if so, the waste is considered to be burned partially for destruction); and (3) the waste must have recoverable levels of metals (56 FR 42504, 42501; August 27, 1991).

Certain industries process wastes for metals recovery, yet normally do not meet the criteria for legitimate metals recovery outlined above. For example, secondary lead smelters process spent lead acid battery parts that contain pieces of rubber or plastic, which generally have heating values over 5,000 Btu/lb. In response, EPA promulgated special regulations for lead, nickel-chromium furnaces, or metal recovery furnaces that burn certain baghouse bags. EPA expanded the conditional exclusion to include specific mercury-bearing wastes processed in exempt mercury recovery furnaces (59 FR 47980; September 19, 1994). Provided the units comply with the alternative requirements of 266.100(c)(3), the metal recovery furnaces would only be subject to 266.101 and 266.112. Specific requirements found in 266.103(c)(3) include: one-time written notification; restrictions on the type of material burned; sampling and analysis; and maintenance of records. In addition, EPA may subject the furnaces to full BIF regulation, if the emissions from the unit pose a hazard to human health and the

environment.

Metal recovery units engaged in precious metals recovery are also conditionally exempt from Part 266, Subpart H. Precious metal recovery is defined as the reclamation of economically significant amounts of gold, silver, platinum, palladium, indium, osmium, rhodium, ruthenium, or any combination of these metals (266.70(a)). Provided the owner or operator of the unit complies with the alternative requirements of 266.100(f), the unit would be exempt from all BIF requirements except for the regulations regarding residue management (266.112). Specific requirements include: one-time written notice, sampling and analysis, and maintenance of records (266.100(f)). Management of precious metal wastes prior to recovery would be covered by Part 266, Subpart F.