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SEP 12 1989

John P. Nash  
P.O. Box 3473  
Whittier, California 90605

Dear Mr. Nash:

This letter is written to inform you that your letter of August 8, 1989, concerning the regulatory status under the Resource Conservation and Recovery Act (RCRA) of your system for recycling/treating aerosol cans has been referred to Mr. Jeffrey Zelikson, Director of the Toxics and Waste Management Division in EPA's Region IX Office (San Francisco, California).

EPA's current policy regarding the regulatory status of non-empty aerosol can puncturing, crushed or shredding is that the appropriate EPA Regional office is to make a determination on a case-specific basis. Although the December 30, 1980, letter from Mr. Gary Dietrich indicates that such activity is not RCRA-regulated treatment, subsequent evaluation by EPA has determined that such activity may, indeed, meet the definition of treatment found at 40 CFR 260.10 (i.e., such activity may, in fact, change the physical or chemical composition of a hazardous waste, or render such waste amenable for recovery). However, until EPA develops a final determination regarding such activities, the Regional offices, or authorized State regulatory agencies, will make such determinations on a case-specific basis.

Thank you for your interest in the recycling of solid wastes. If you have any questions regarding your letter, you should contact Mitch Kidwell, of my staff, at (202) 475-8551.

Sincerely,

Michael J. Petruska  
Acting Chief  
Waste Characterization Branch

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