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ETCHANTS USED TO MANUFACTURE COPPER SALTS

NOV 8 1986

Mr. H. Bzura
Old Bridge Chemicals, Inc.
Old Waterworks Road
P.O. Box 194
Old Bridge, NJ 08857

Dear Mr. Bzura:

This is in response to your letters of October 15 and 16, 1986, regarding the regulatory status of the etchants 1/ that are used by Old Bridge to manufacture various copper salts. Since I wrote you in August 1983, the regulations defining which materials are solid and hazardous wastes when they are recycled have been amended. See 50 FR 614, January 4, 1985. As we've discussed previously, the amended definition adopts the approach that for materials being recycled, one must know both what the material is and how it is being recycled before determining whether or not it is a Subtitle C waste. Thus, under the regulations, any material that is used in a manner constituting disposal (or used to produce a product that is placed on the land); used as a fuel (or used to produce a fuel); or speculatively accumulated, 2/ is defined as a solid waste, and if hazardous, a hazardous waste; in addition, certain materials when reclaimed would also be defined as solid and hazardous wastes. At the same time, materials that are used/reused (either as an ingredient or feedstock in a manufacturing operation where reclamation does not occur, or as a substitute for commercial products) are not defined as solid wastes.

- 1/ The etchants include copper chloride and copper ammonium chloride.
- 2/ Speculative accumulation means accumulating wastes that are potentially recyclable, but for which no recycling market (or no feasible recycling market) exists, or accumulating waste before recycling, unless 75% of the accumulating material is recycled during a one-year period.

3/ Commercial chemical products are not solid wastes if speculatively accumulated.

In applying the definition to your situation, I agree with you that when etchants are used/reused as raw materials in the manufacture of various copper salts (and where reclamation does not occur), these materials would not be defined as solid wastes, and therefore, not subject to the hazardous waste rules. In reviewing your May 31, 1983 letter, the use of etchants to produce basic copper sulfate (the first process described in your letter) would not constitute solid waste management; that is, these materials are not subject to the Subtitle C rules. However, the process to produce a copper sulfate solution (the second process described in your letter) would constitute reclamation, and therefore, if the etchant is hazardous (i.e., is listed in Subpart D of Part 261 or exhibits one or more of the hazardous waste characteristics identified in Subpart C of Part 261), the transportation and storage of these etchants would be subject to the hazardous waste rules.^{3/} With respect to the use of the other "copper by-products" and their regulatory status, I would need to have more information before making a determination.

Please feel free to give me a call if you have any further questions; my telephone number is (202) 475-8551.

Sincerely,

Matthew A. Straus
Chief
Waste Characterization Branch

3/ Etchants would be defined as spent materials (i.e., materials that have been used are no longer fit for use without being regenerated, reclaimed, or otherwise re-processed). Spent materials being reclaimed are defined as solid wastes. See 40 CFR 261.2(c)(3).