

9441.1986(01)

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Mr. John Robbins  
Project Chemist  
Kohler Co.  
Kohler, Wisconsin 53044

Dear Mr. Robbins:

This is in response to your letter dated November 25, 1985, regarding the regulatory status of foundry sands that are recycled. In particular, you indicate that the molding and casting sands<sup>1/</sup> that are generated from your foundry casting operations may potentially be recycled by running them through a foundry sand reclamation process. The reclamation process removed the deactivated clay binders and concentrates of metals, and results in a sand that is suitable for reuse as a foundry sand.

As you may be aware, the Agency promulgated on January 4, 1985, a set of rules which dealt with the question of which materials being recycled are solid and hazardous wastes. See 50 FR 614, a copy of which is enclosed. Under those regulations, foundry sands that are generated from your casting operation would be defined as a solid and hazardous waste and thus would be subject to regulatory control under RCRA.<sup>2/</sup> See 40 CFR 261.2(c)(3). Therefore, the generator of the sands is subject to 40 CFR Part 262 while the transportation of these materials are subject to 40 CFR Part 263, in addition, any person that stores these sands prior to reclamation would be subject to the appropriate storage standards (i.e., owners or operators of facilities that store these materials would be regulated under all applicable provisions of Subparts A through L of Parts 264 and 265 while generators of these materials would be subject to 40 CFR 262.34 provided these materials are stored in a tank or container for no longer than 90 days). The actual reclamation process, however,

- 1/ These sands (as generated) are hazardous due to the EP toxicity characteristic of lead.
- 2/ Foundry sands are defined as a spent material--materials which have been used and are no longer fit for use without being regenerated, reclaimed, or otherwise reprocessed.

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is exempt from regulation. Moreover, the sands that are regenerated from the reclamation process are no longer considered solid wastes and thus are no longer subject to regulation, even if the sands are shipped off-site to a foundry sand coater for coating.

Please feel free to give me a call if I can be of any further assistance; my telephone number is (202) 475-8551.

Sincerely yours,

Matthew A. Straus, Chief  
Waste Identification Branch

(footnote 2 cont.)

Spent materials that are hazardous (whether listed or exhibiting one or more of the characteristics) and reclaimed are defined as a solid and hazardous waste. See Table 1 at 50 FR 619; see also preamble to regulation at 50 FR 618, 624, 633.