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## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

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### 5. Definition of Solid and Hazardous Waste

Section 261.2(e)(1)(i) was promulgated on January 4, 1985, (50 FR 664) as part of the new definition of solid waste. It states that materials are not solid wastes when they can be shown to be recycled by being used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed. This is significant because materials that are not solid wastes per §261.2(e)(1)(i) are not hazardous wastes, and therefore, are not subject to RCRA regulations.

A chemical manufacturing plant generates spent sulfuric acid. The spent acid is reintroduced into the production process, where it is decomposed into its constituents (e.g., SO<sub>2</sub>). These constituents can then be used to produce more sulfuric acid. Would the process of reintroduction and decomposition constitute reclamation, thus precluding the plant from the exemptions?

Spent sulfuric acid is frequently used as a feedstock in the production of virgin sulfuric acid. Accordingly, EPA has promulgated a specific exclusion stating that spent sulfuric acid recycled in this way is not a solid waste (§261.4(a)(7)). The recycling process more closely resembles a manufacturing operation than a reclamation process. Note that: (1) spent sulfuric acid is subject to the speculative accumulation provisions as defined in §261.1 (c); and (2) the spent acid would be a hazardous waste if disposed (assuming it is corrosive or exhibits another hazardous waste characteristic) and could be a hazardous waste if recycled in some other manner (see the January 4, 1985 Federal Register (50 FR 642)).

Source: Matt Straus (202) 475-855