

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460**

July 14, 1994

Mr. C.T. Philipp, P.E.  
President  
Enviroscience, Inc.  
2360 East Grand Ave.  
Hot Springs, Arkansas 71901

Dear Mr. Philipp:

In your letter to Mike Shapiro of June 22, 1994 you request a "federal recycle determination" for your process to use high temperature metal recovery to recover materials from hazardous wastes and secondary materials. In your letter you also state that you believe that you are at a competitive disadvantage with Glassification International Limited (GIL) which received a written response from EPA Headquarters in December of 1992. Your letter appears to be based on your understanding that EPA provided GIL with a finding at the federal level that it's process is "legitimate".

Generally, EPA Headquarters does not make regulatory determinations concerning the legitimacy of a specific recycling operation under the Resource Conservation and Recovery Act (RCRA). Rather, these types of determinations are made on a case-specific basis by the appropriate EPA Regional Office or authorized State regulatory agency. In the case of GIL, EPA did not provide the company with a legitimacy determination. GIL obtained its legitimacy determination from the State of Oregon in a manner similar to the way Enviroscience obtained its legitimacy determination from the State of Washington. EPA has provided general guidance to its Regional Offices about legitimacy (see enclosed April 6, 1989 memorandum from Sylvia Lowrance to Hazardous Waste Management Division Directors on F006 Recycling) which many Regions and States use to help them make such determinations. If you have any further questions, please contact Paul Borst of my staff at (202) 260-6713.

Sincerely,

Michael J. Petruska, Chief  
Regulatory Development Branch

Enclosure

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