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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

DECEMBER 88

1. Closed Loop Recycling

In a production process a manufacturing facility generates a secondary material that consists of 90% ignitable liquids and 10% ignitable gases. From the production process the material is piped to a storage tank where the ignitable gases are separated from the ignitable liquids. The gases are then piped back into the production process to be used as raw material. The remaining ignitable liquid is discarded as a hazardous waste. Is the liquid and gas mixture exempt from being a solid waste under the closed loop recycling provision in Section 261.4(a)(8)?

CLOSED LOOP RECYCLING FLOW DIAGRAM

According to Section 261.4(a)(8) secondary materials are not solid wastes if they are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process provided:

(i) Only tank storage is involved and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
(ii) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces or incinerators);
(iii) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and,
(iv) The reclaimed material is not used to produce a fuel or used to produce products that are used in a manne constituting disposal.

Provided the reclamation process meets all requirements of Section 261.4(a)(8), the portion of the secondary material that is returned to the production process to be used as a raw material (the ignitable gas) is not a solid waste. However, the remaining portion that is discarded (the ignitable liquid) is a hazardous waste and being such is not exempted from the definition of a solid waste per Section 261.4(a)(8). Since the generator is handling a hazardous waste, he/she must comply with the applicable provisions of Parts 262 through 270.

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