

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

DECEMBER 03, 1991

Ms. Joan Krajewski
Beveridge & Diamond
One Sansome Street
Suite 3900
San Francisco, CA 94104

Dear Ms. Krajewski:

This letter responds to your inquiry regarding my November 27, 1991 letter to Mr. Mark Stanga which addressed whether solder dross is properly characterized, under 40 CFR 261.2, as a by-product as opposed to a spent material when generated in the manufacture of printed circuit boards. You inquired as to why my letter was limited to circuit board manufacturers. My letter simply responded to a set of previous correspondence, all of which addressed this industry. The intent of my letter was to clearly establish that at this time, the proper interpretation of the status of solder dross is the position stated by the Agency in the 1985 RCRA regulations and the 1986 Guidance Manual on the RCRA Regulation of Recycled Hazardous Waste (PB 86-208584, March 1986) relating to the definition of solid waste. My letter was necessary in order to clear up confusion resulting from a set of Agency correspondence sent earlier this year by Mr. David Bussard of my staff.

None of the recent Agency correspondence on the topic of solder dross changes the status of solder dross for other industries. That status remains as defined in the 1985 regulations and guidance, the circumstances of a material's use, including whether the material becomes contaminated, determine how it is classified. I fully recognize that all industries may have relied upon these regulations and the guidance document and should any changes be considered, the Agency would go through a formal notice and comment period before reinterpreting or modifying these documents.

Sincerely,

Don R. Clay
Assistant Administrator