

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT
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2. Scope of the Spent Sulfuric Acid Exclusion

Spent sulfuric acid used to produce virgin sulfuric acid is excluded from the definition of solid waste, provided no speculative accumulation occurs (40 CFR Section 261.4(a)(7)). Does the Section 261.4(a)(7) exclusion apply if a facility reclaims the spent sulfuric acid by filtration to produce virgin sulfuric acid?

The Section 261.4(a)(7) exclusion applies only to spent sulfuric acid used as a feedstock in an industrial furnace for the production of virgin sulfuric acid and does not extend to spent sulfuric acid recycled in any other manner. Spent sulfuric acid is frequently burned in industrial furnaces to derive sulfur. As part of the same process, this sulfur is then purified, chemically converted, and absorbed into existing sulfuric acid. EPA has concluded that spent sulfuric acid that undergoes this process is neither regenerated nor recovered, but rather used as an ingredient in a production process (48 FR 14487; April 4, 1983). On the other hand, spent sulfuric acid recycled by another method, such as filtration, is not excluded under Section 261.4(a)(7).