

September 5, 1995

Mr. Raymond F. Williams, President
U. S. Technology Corporation
220 7th Street, S.E.
Canton, Ohio 44072

SUBJECT: RECYCLING PROGRAM FOR PLASTIC BLAST MEDIA

Dear Mr. Williams:

The Department of Environmental Services has received U. S. Technology Corporation's (UST) letters and supporting documentation dated September 17, 1993, October 20, 1993, and June 8, 1994 requesting a regulatory review of your recycling program for contaminated plastic blast media used in paint removal operations. Upon careful examination of the information in the letters, the State of New Hampshire Hazardous Waste Rules (Env-Wm 100-1000), and the positions of other states and regions, we offer the following comments:

As we understand the situation, UST has a recycling program where it contracts to lease plastic blast media to customers where it is used for aircraft and automobile depainting (a process used in place of chemical strippers). UST also agrees with its customers to take back the spent media which UST uses in its entirety without reclamation as an alternative ingredient (i.e., calcium carbonate) in the manufacture of a non-toxic product (i.e., cultured marble product). Once the media is spent it may contain heavy metals from the paint pigments and may test hazardous for toxicity under the TCLP. According to UST, the use of the media results in a product which is 35% lighter, less prone to breakage, and contains less than 1/100th of the amount of heavy metal pigments of traditional cultured marble where calcium carbonate is used as an ingredient, thereby contributing beneficially to the product.

The requirements for the recycling of hazardous waste are set forth in Chapter Env-Wm 800 of the New Hampshire Hazardous Waste Rules and Env-Wm 803.04 specifically states:

"...a material shall not be deemed to be a waste when it can be shown to be recycled by being:

- (1) Used or reused as an ingredient in an industrial process to make a product, provided the material is not being reclaimed;
- (2) Used or reused as an effective substitute for commercial products, provided the material is not being reclaimed;"

Given the information in your letters, we believe that the spent media meets the classification of "not a waste when recycled" as stated above and therefore is not subject to regulation under the Hazardous Waste Rules. However, if the spent media is reclaimed before recycling; used in a manner constituting disposal, or used to produce products that are applied to the land; burned for energy recovery; accumulated speculatively; or inherently waste-like; per Env-Wm 803.03(b), then the spent media would be deemed to be a waste when recycled and therefore subject to regulation under the Hazardous Waste Rules.

Despite the fact that the spent media is not subject to regulation under the State of New Hampshire Hazardous Waste Rules, your New Hampshire customers should ensure that storage

practices for the spent media are used that do not pose a hazard to human health or the environment (i.e., are consistent with other provisions of law that are protective of groundwater, surface water, and air).

This determination is made under the assumption that the information provided by UST relating to the physical and chemical nature of the material, its source, and the proposed disposition and processing is true and accurate. Inaccuracies or changes in any of the stated facts could alter the Department's determination.

The Department recommends that you contact the Environmental Protection Agency - New England (EPA) to obtain written concurrence with New Hampshire's position. The EPA Coordinator for New Hampshire is Mr. David Lim who can be reached at (617) 573-5776.

Enclosed for your reference is a copy of the section of the New Hampshire Hazardous Waste Rules cited above. If you have any questions regarding this matter please feel free to call Tod G. Leedberg, Project Manager or John J. Duclos, Supervisor of the Hazardous Waste Compliance Section at (603) 271-2942.

Sincerely,

Kenneth W. Marschner, Administrator
Waste Management Compliance Bureau
Waste Management Division

Enclosure: Hazardous Waste Rules excerpt

cc: DB/STATE/RPB
John J. Duclos, HWCS
Pamela Sprague, WMEB
Richard Reed, SWCS
Steven M. Houran, Esq., NHDOJ-OAG
Paul Lockwood, NHPPP
Stephanie D'Agostino, DES Pollution Prevention Coordinator
David Lim, EPA

c:ust.sec