

AUG 13, 1985

Mr. Paul Gowen
Environmental Engineer
Texas Instruments, Inc.
P.O. Box 225214
Dallas, Texas 75265

Dear Mr. Gowen:

This is in response to your letter dated June 18, 1985, regarding the regulatory status of drosses that are sent for reclamation other than in a manner constituting disposal or burning for energy recovery. In particular, you request that I confirm an interpretation given to you by the RCRA/Superfund Hotline that drosses (that are generated in soldering integrated circuits to printed circuit boards) which are sent to a secondary smelter to recover lead are excluded from regulation under the hazardous waste provisions of the Resource Conservation and Recovery Act.

In general, I agree with the interpretation; these solder drosses are defined as by-products under the hazardous waste rules. (A by-product is a material that is not one of the primary products of a production process and is not solely or separately produced by the production process.) Since unlisted by-products (which this material is) sent for reclamation are not defined as solid wastes, these materials are not hazardous wastes. See 40 CFR 261.2 (c) (3); see also 50 FR 633, January 4, 1985, for basis for our decision. Therefore, they are excluded from regulatory control under Subtitle C of RCRA.

You also requested guidance and possible examples of what the differences are between "by-products" and "spent materials." A spent material is a material that has been used and as a result of such use becomes contaminated to such a point that the material can no longer serve the purpose for which it was produced without processing. Put another way, a spent material is a contaminated virgin material that must be reprocessed before it can be reused. The most common examples are: spent solvents, spent acids, spent plating solutions, spent pickle liquor, spent catalysts, and spent lead-acid batteries. By-products, on the other hand, are residues that result from manufacturing or other operations that are not one of the primary products that are produced. Some common examples are 3 distillation residues, slags, drosses, and tank bottoms.

I hope this letter responds to your request; please feel free to give me a call if I can be of any further assistance. My telephone number is (202) 475-8551.

Sincerely,

Matthew A. Straus, Chief
Waste Identification Branch

Faxback 11101