



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
JOHN F. KENNEDY FEDERAL BUILDING
ONE CONGRESS STREET
BOSTON, MASSACHUSETTS 02203-2211

APR 2 | 1994

Lawrence C. DiPietro, Sr., President
C.G.A., Inc.
110A Wardtown Road
Freeport, ME 04032

Dear Mr. DiPietro:

This letter is in response to your inquiry dated February 25, 1994. In your letter you state that C.G.A., Inc. recycles spent circuit boards for the metal content, and would like to recycle the left over scrap fiberglass resin boards. You specifically requested a determination of the current recycling status of C.G.A., Inc. In your letter you also indicate a concern over claims made by unknown sources that C.G.A., Inc. does not recycle the scrap fiberglass resin-based circuit boards and is "furthering the processing of industrial byproducts". You requested EPA to provide some type of clarification that the scrap circuit board residuals are a recyclable product.

As a point of clarification, EPA only regulates owners and operators of facilities that store recyclable materials before they are recycled, but does not regulate the actual recycling process [See 40 C.F.R. § 261.6(c)(1)]. In October 2, 1991, EPA published a notice for public comment in the Federal Register (enclosed) on plans to develop recommendations to the Federal Trade Commission (FTC) on voluntary guidance for environmental claims promoting the use of recycled and recyclable materials. The FTC, not EPA, regulates persons that make environmental claims on labeling, advertising and all other forms of marketing. The final guidelines for the Use of Environmental Marketing Claims dated August 13, 1993 are enclosed for your review.

EPA has also contacted the State of Maine's Department of Environmental Protection (ME DEP) about this situation. The ME DEP has informed EPA that it has been actively involved in this matter and is currently trying to determine the status of your proposed recycling facility and the piles of scrap spent circuit board residuals stored on-site. The ME DEP indicated that C.G.A., Inc has submitted documents to the State which contained contradictory information concerning the proposed recycling process. The ME DEP also indicated that this site is in violation of both Maine's solid and hazardous waste regulations. C.G.A. did not make any reference in its February 25, 1994 letter to EPA about this on-going investigation by the ME DEP nor of the possibility of potential solid and hazardous waste violations at the property.



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EPA notes, based on information contained in your letter, that C.G.A. has disposed its circuit board residuals on-site in waste piles since 1974 in excess of fifteen thousand (15,000) metric tons. This activity was referred to as "Phase I" of the recycling process. This material is presently stored on the ground and has not been analyzed, to EPA's knowledge, to determine the presence of hazardous constituents or contaminants such as lead and polychlorinated biphenyls (PCBs) that EPA has found in similar types of circuit board wastes [See attached memorandum dated August 26, 1992 Regulatory Status of Printed Circuit Boards].

EPA highly recommends analytical testing of this stockpiled material to facilitate the ME DEP's investigation into this matter. C.G.A. stated in its letter that potential reuses of this material included the manufacturing of swimming pools, etc. We think C.G.A. would agree that the testing of these piles for leachable hazardous constituents or contaminants is a prudent action to take.

As previously stated above, 40 C.F.R. § 261.6(c)(1) states that owner or operators of recyclable materials before they are recycled are subject to Parts 262 and 263 of the federal hazardous waste regulations and the notification requirements under Section 3010 of the Resource Conservation and Recovery Act (RCRA). Subtitle C of RCRA establishes a program to identify those solid wastes which may be hazardous and imposes management standards to protect human health and the environment. If the printed circuit board residuals stored on your property exhibits one of the characteristics of a hazardous waste identified in Part 261, Subparts C or D it must be managed as a hazardous waste prior to recycling.

Ultimately, the completion of ME DEP's investigation into this matter will determine the status of your proposed recycling process and the regulatory status of the circuit board residuals currently stored at your site. The State of Maine's hazardous waste regulations have been determined equivalent to the federal rules by EPA. The State of Maine has received authorization from EPA to implement its regulations in lieu of the federal program.

EPA does not wish to impede the ME DEP's investigation of this matter. Therefore, your continued cooperation with the ME DEP to provide additional information on the proposed recycling process and analysis of the circuit board residuals should expedite this matter to a successful conclusion.

If you have any questions concerning this matter, please contact Ken Rota of the RCRA Support Section at (617) 573-5759.

Sincerely,

Ira Leighton

Ira Leighton, Chief
CT Waste Management Branch

cc: Scott Whittier, Maine DEP