



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

APR 7 1994

Ms. Nancy Donahue
IPEC, Inc.
200 Whitehall Street
Providence, RI 02909

Re: Dust Collector Filters

Dear Ms. Donahue:

This letter is in response to your letter dated March 11, 1994, requesting EPA's position on the applicability of certain portions of the regulations promulgated pursuant to the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. Section 6901 et seq. to activities undertaken by your customers using dust collection systems manufactured by IPEC.

In your letter, you indicate that IPEC is a manufacturer of dust collection units. These units contain a filtration system that uses forty-two (42) separate filters to remove particulates from the air. These units are designed for two thousand (2,000) hours of repeated use before the filters in these systems require replacement. IPEC requests EPA to clarify whether federal regulations require the removal and replacement of these filters when the dust collection units are either used for different jobs or transported over the road.

Ken Rota, of my staff, indicated that he spoke with you on March 11, 1994 and March 25, 1994 and that, based on those conversations, you wished EPA to clarify whether or not the filters are classified as wastes prior to reaching their useful life.

In response to this clarification, EPA does not consider the filters a waste prior to reaching their useful life. When the filters have reached their useful life, they would be considered wastes and the generator of these used filters would, at a minimum, be required to conduct a hazardous waste determination to determine the regulatory status of these spent materials.

The interpretation above does not apply to any waste particulates that may be collected and/or stored by these filters. If the units are transported without emptying the filters, IPEC or its customers could be considered transporters of hazardous waste if the waste material met either the characteristic or listing criteria set forth in 40 C.F.R. Part 261. It was noted in your



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letter, however, that any material collected by these filters is removed on a daily basis and stored in a fifty-five (55) gallon container for disposal. Therefore, any requirements pertaining to the transport of only the dust collection units across the highway would be regulated by the United States Department of Transportation.

If you have any further questions regarding this matter, please contact Kenneth Rota of the RCRA Enforcement Unit at (617) 573-5759.

Sincerely,

A handwritten signature in cursive script that reads "Bruce Marshall".

Bruce Marshall, Chief
RCRA Support Section

cc: Kenneth Rota, EPA