



RCRA Environmental Requirements that may Affect MPPEH Handling

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RCRA Treatment

- RCRA requires a permit for hazardous waste treatment.
- RCRA regulations define treatment as including a method designed to change the physical or chemical character of hazardous waste to make the waste safer to transport or dispose of, or amenable for recovery. [40 CFR 260.10]

Scrap Metal

- Scrap Metal is defined as:
bits and pieces of metal parts (e.g., bars, turnings, rods, sheets, wire) or metal pieces that may be combined together with bolts or soldering (e.g., radiators, scrap automobiles, railroad box cars), which when worn or superfluous can be recycled. [40 CFR 261.1(c)(6)]
- EPA guidance clarifies that metal fragments from fired munitions as well as metal from unused munitions can be classified as “scrap metal”

Scrap Metal Recycling *Exclusion*

- “Processed Scrap Metal” is excluded from the definition of solid waste when it is being recycled [40 CFR 261.4(a)(13)]
- Processed Scrap Metal is defined as:
scrap metal which has been manually or physically altered to either separate it into distinct materials to enhance economic value or to improve the handling of materials. Processed scrap metal includes, but is not limited to scrap metal which has been baled, shredded, sheared, chopped, crushed, flattened, cut, melted, or separated by metal type (i.e., sorted). . . . [40 CFR 261.1(c)(10)]
- The exclusion applies once the scrap metal has undergone a processing step.

Scrap Metal *Exemption*

- Scrap Metal is exempted from hazardous waste requirements when it will be recycled [40 CFR 261.6(a)(3)(ii)]
- Scrap metal is exempt at the point of generation, as long as the facility ensures that the material is later recycled.

Recommendations

- Consider the RCRA implications if “thermal treatment” is considered.
- Utilize the “processed scrap metal” recycling exclusion if possible
- Document all processing steps
- State requirements may be more stringent than federal requirements/interpretations.
- Other environmental laws may apply (e.g., Clean Air Act) and need to be considered
- Involve your environmental attorney.