



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB 21 2006

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

M. Lee Rice
World Resources Company
20 Liberty Street, Apartment 4A
Westminster, MD 21157

Dear Mr. Rice:

Thank you for your letter of August 22, 2005, to Thomas Dunne, regarding the State of Ohio's action to grant a variance to Agmet Metals, Inc. for certain recycled electroplating wastewater treatment sludges, known as listed hazardous waste code F006.

Ohio pursued the variance under the State equivalent to the federal hazardous waste regulations at 40 CFR 260.30(c) and the criteria under the state equivalent to 40 CFR 260.31. The federal regulations allow for a case-by-case variance for materials that have been partially reclaimed but must be reclaimed further before the materials are completely recovered. In your letter, you assert that the variance proposed by the State of Ohio for Agmet Metals, Inc. does not conform to federal policy. Specifically, you have requested that EPA overturn the variance.

The granting of a variance for partially reclaimed materials is determined on a case-by-case basis. Because this is a site specific determination, states that are authorized to implement this variance provision must evaluate the specific details of the particular situation. For example, for this variance authorized states must evaluate the particular waste materials being managed and the types of processing operations conducted. States that are authorized to implement the hazardous waste program have a reasonable latitude to evaluate case-by-case situations within their state.

Accordingly, based on the information received to date, EPA does not believe that federal action regarding this proposed variance is appropriate at this time. Should you have any questions, please contact Robert Dellinger, Director of the Hazardous Waste Identification Division at (703) 308-8252.

Sincerely,


Susan Parker Bodine
Assistant Administrator