

Mr. Gregory M. Bacon
Regulatory Analyst
Northrop Grumman Corporation
1000 Wilson Boulevard, Suite 2300
Arlington, VA 22209-2278

Dear Mr. Bacon:

Thank you for your letter of March 6, 2003, requesting an interpretation of the federal hazardous waste regulations and their applicability to the recycling of certain lead/tin/silver alloy solder paste residual materials. These residual materials include such materials as excess solder paste, empty solder paste containers, partially full containers of off-specification or used paste, and debris containing solder paste, such as solder paste wipes.

In your letter, you ask whether the Environmental Protection Agency (EPA) has published an interpretation regarding the regulatory status of the recycling of these materials. The answer to this question is no, EPA has not published such an interpretation. You further ask whether an interpretation contained in a letter from the Pennsylvania Department of Environmental Protection (DEP) is “less stringent than the intent of the Federal regulations.”

As you know, DEP is fully authorized to carry out the Federal Resource Conservation and Recovery Act (RCRA) base program within the Commonwealth of Pennsylvania, and therefore we defer to the DEP to make this kind of interpretation with respect to activities within the Commonwealth.

We appreciate your concern for consistency. At the same time, however, EPA is a program that is delegated to the states, and states have the primary responsibility for implementing the program within their boundaries. Thus, where you have questions on the applicability of a regulation to specific activities, you should consult the appropriate state agency.

Thank you for your interest in safe recycling. If you should need assistance in the future on other recycling issues, please call Kristina Meson, of my staff, at (703) 308-8488.

Sincerely,

Marianne Lamont Horinko
Assistant Administrator

RO 14660