



**DIRECTIVE NUMBER:** 9441.06(85)

**TITLE:** Use/Reuse Provisions in the Definition of Solid  
Waste Rulemaking

**APPROVAL DATE:** 2-13-85

**EFFECTIVE DATE:** 2-13-85

**ORIGINATING OFFICE:** Office of Solid Waste

☒ **FINAL**

☐ **DRAFT**

**LEVEL OF DRAFT**

- ☐ A — Signed by AA or DAA
- ☐ B — Signed by Office Director
- ☐ C — Review & Comment

**REFERENCE (other documents):**

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Key Words: Characteristics of Hazardous Waste, Solid Wastes

Regulations:

Subject: Use/Reuse Provisions in the Definition of Solid Waste Rulemaking

Addressee: H. Bzura, Madison Industries, Inc., P.O. Box 175, Old Bridge,  
NJ 08857

Originator: Matthew A. Straus, Chief, Waste Identification Branch

Source Doc: #9441.06(85)

Date: 2-13-85

Summary:

Baghouse flue dust and zinc oxide sludge which exhibits a hazardous waste characteristic are not solid wastes if these materials are used as an ingredient to make a new product provided they are not accumulated speculatively (as defined in the January 4, 1985, rule) or are not used to produce a product that is placed on the land for beneficial use. The effective date for the use/reuse provisions in the definition of solid waste rulemaking is December 20, 1984.

FEB 13 1985

Mr. H. Bzura  
Madison Industries, Inc.  
P.O. Box 175  
Old Bridge, New Jersey 08857

Dear Mr. Bzura:

This letter is response to our telephone conversation on January 24 and your letter dated January 25, 1985 regarding the regulatory status of the baghouse flue dust and zinc-oxide sludge which you are considering recycling at your plant. In addition, you also requested confirmation of the effective date for various provisions dealing with use/reuse in the definition of solid waste rulemaking. In particular, you indicated that you are interested in purchasing baghouse flue dust from manufacturers of brass as well as a zinc oxide sludge generated from air pollution control equipment. These secondary materials as well as hydrochloric acid or sulfuric acid will be mixed and pumped into a reactor where either zinc chloride or zinc sulfate will be produced. These solutions are then purified. You further indicated that no reclamation is carried-out as part of the operation, but rather these materials are used as a raw material in the manufacture of zinc chemicals.

Based on this description, you are correct that the baghouse flue dust and zinc oxide sludge are not solid wastes provided that these secondary materials are not accumulated speculatively (as defined in the January 4, 1985 rule) or are not used to produce a product that is placed on the land for beneficial use.<sup>1/</sup> In addition, you are also correct in your reading of the regulations that the effective date for this provision of the rulemaking--that is, the use/reuse provision--is December 20, 1984. Please give me a call if I can be of any further assistance.

Sincerely yours,

Matthew A. Straus  
Chief  
Waste Identification Branch

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<sup>1/</sup> It should be noted that even if the zinc were reclaimed, these secondary materials would not be defined as solid wastes since they are unlisted sludges.