

Subject: Lead Soldering and Other Scrap Metal Classification Under Haz Waste Regulations

To All:

FYI - From Lion Technologies News Info Link at www.lion.com.

Gary

Are Lead Soldering Wastes Scrap Metal?

Q. My manufacturing process incorporates lead soldering. The soldering process creates lead splatter and lead-contaminated sponges. Does the lead splatter qualify for the scrap metal exclusion? How should we manage the lead-contaminated sponges?

A. 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” at 40 CFR 261.1(c) (6). In a January 4, 1985, rulemaking (50 FR 624) EPA said “Put another way, scrap metal is defined as products made of metal that become worn out (or are off-specification), or metal pieces that are generated from machining operations (i.e. turnings, stampings, etc) which are recycled to recover metal.” The lead splatter is created during a machining operation (soldering of larger metal pieces together) and therefore qualifies as scrap metal.

When recycled, scrap metals are not subject to the hazardous waste regulations [40 CFR 261.6(a)(3)(ii)]. The lead splatter from your metal-working/fabrication process further qualifies as 'excluded scrap metal' and is excluded from regulation as solid waste [40 CFR 261.4(a)(13)].

Assuming your sponges are being discarded, they would have to be managed under the hazardous waste rules if they are listed at 40 CFR 261, Subpart D, or exhibit a characteristic at 40 CFR 261, Subpart C. It is unlikely that the used sponges are listed as hazardous waste in either 40 CFR 261.31 or 261.32. It is also unlikely that the lead-contaminated sponges exhibit characteristics for ignitability, reactivity, or corrosivity. Your contaminated sponges contain at least one of the toxicity characteristic constituents, lead. If the amount of lead in the leachate of a representative sample is > 5.0 mg/L, based on the Toxicity Characteristic Leaching Procedure (TCLP) then they are hazardous waste. The TCLP simulates landfill conditions and predicts how much lead will leach out of the sponges into the groundwater. If the amount of lead in the leachate exceeds 5.0 mg/L, then the sponges are hazardous waste and must be disposed of in accordance with regulations [40 CFR 261.24].

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