

Variance from Classification as RCRA Solid Waste: U.S. Environmental Protection Agency Grants Tucson, Arizona, Facility Petition



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The United States Environmental Protection Agency (“EPA”) in a July 5th Federal Register Notice granted a petition for variances from the classification as Resource Conservation and Recovery Act (“RCRA”) solid waste for HVF Precious Metals, LLC (“HVF”). See 88 Fed. Reg. 42933.

EPA is granting the petition for variances for two materials produced by HVF’s facility in Tucson, Arizona.

40 C.F.R. 260.30(c) provides the EPA Administrator the ability to determine on a case-by-case basis that materials that have been reclaimed but must be further reclaimed before the materials are fully recovered are not solid wastes. Granting of such a petition for a variance exempts such materials from the RCRA Subtitle C regulations.

EPA had previously public noticed HVF’s petition on July 26, 2022. See 88 Fed. Reg. 9277.

The HVF petition described two partially-reclaimed materials described as “Solution Sweeps” and “Filter Sweeps.” Such materials are stated to be produced at HVF’s Tucson, Arizona, facility from precious metal-bearing waste from cyanide-based electroplating operations.

EPA states it determined that the two materials are “commodity-like” under the criteria listed in 40 C.F.R. § 260.31(c). Therefore, the agency deems them as legitimately recycled and therefore qualifying for variances from classification as RCRA solid wastes under 40 C.F.R. § 260.30(c).

A copy of the Federal Register Notice can be downloaded [here](#).