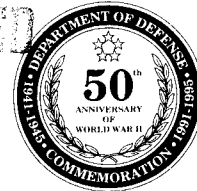




DEFENSE LOGISTICS AGENCY
DEFENSE REUTILIZATION AND MARKETING SERVICE
DEFENSE REUTILIZATION & MARKETING OFFICE-KIRTLAND
5050 RANDOLPH AVENUE
KIRTLAND AFB, NEW MEXICO 87117-5856



DRMO-UHE (R. Burrell 505-846-6959)

5 April 1996

SUBJECT: Regulatory Status of Recycled Silver

TO: New Mexico Environmental Division
 Harold Runnels Building
 1190 St. Francis Drive
 Santa Fe, NM 87502



Dear Mr. Benito Garcia

The Defense Reutilization and Marketing Service (DRMS) is the Federal agency tasked with the responsibility of redistributing, selling, and disposing of excess property from the Department of Defense (DoD). We also manage the Precious Metals Recovery Program (PMRP) promoting the recovery of silver, gold, and platinum family metals. In an effort to ensure that we are properly managing our program, this letter is to request clarification regarding the regulatory status of several different categories of recovered silver.

In the processing of photographic and X-ray film, significant amounts of silver are generated in the fixing baths. DoD recovers this silver (at the site of generation) by passing the photographic fixer through recovery systems. At the present time, we provide two types of recovery systems. One removes silver by a galvanic reaction resulting in electroplating of silver (passive silver recovery cell), and the other removes silver by passing an electric current through the photographic fixer by means of a cathode and anode resulting in the plating of the cathode with metallic silver (electrolytic recovery units (ERU)). In both processes, soluble silver in the form of silver thiosulfate is converted into metallic silver.

Passive recovery cells are flushed of fixer and shipped dry. The cathode is removed from the ERU, allowed to drip dry in the ERU, and is also air dried prior to being shipped. The cartridges and silver flake are then shipped from the site of generation to a point of consolidation pending removal by our refining contractor.

At the present time, DRMS manages used photographic fixer as a hazardous waste because it is a spent material exhibiting the characteristic of toxicity (silver). DRMS manages the silver recovered from the fixer as a nonregulated material. This is because it is no longer a solid waste, but rather a product reclaimed from a hazardous waste and meets the criteria of Title 40 CFR, Part 261.3 (CFR261). Additionally, final rule guidance pertaining to this regulation found at the Federal Register, Vol. 50, No. 1, Jan 4, 1985 page 634 states: "Similarly, reclaimed metals that are suitable for direct use or that only have to be refined to be a usable product are products and not wastes." Using this rationale, we believe that the recovered silver described above is not hazardous waste because it needs only to be refined. We request that you confirm the above interpretation so that we can continue to manage our

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PMRP in an environmentally responsible manner. This issue was previously addressed to the state of New Mexico on 9 July 1992, with a response on November 20 1992. The response was that we should manage our silver as a hazardous waste, and that we could not speculatively accumulate the material. We would like to revisit that interpretation to confirm New Mexico's position. This request is based upon a conversation with Mr. Horst on 23 November 1992, in which he stated that we could manage the silver as a hazardous material, not a hazardous waste.

We thank you in advance for your help in assisting us in this endeavor. This letter is being sent in combination from DRMO Kirtland, DRMO Cannon, and DRMO Holloman. We request that any site specific questions or answers be directed to the following individuals:

DRMO KIRTLAND

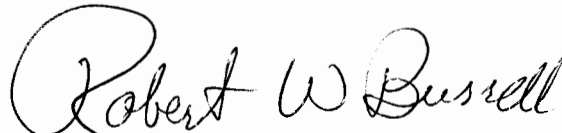
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ROBERT W. BURRELL
Chief, DRMO Kirtland

cc: 542 CTW/EM
DRMS-UH
DRMS-DWHO
DRMS-DWO
DRMO Holloman
DRMO Cannon