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April 24, 1992

Colonel David E. Benson
Commander
Headquarters 27th Support Group
Cannon Air Force Base, New Mexico 88103

Dear Col.. Benson:

This is in response to your letter dated March 27, 1992 requesting a regulatory interpretation concerning unused hazardous materials handled by the Defense Reutilization and Marketing Office. In the scenario outlined in your letter, when the off-site generator ships an unused hazardous material to DRMO with the intention that the material will be reutilized, transferred, donated, or sold, the material can still be considered a potential product and does not have to be handled as a hazardous waste. However, when the material is determined to be unsuitable for reutilization, transfer, or sale, it must then be considered a waste and handled accordingly. The material is not viewed as a waste when it is received from off-site, but becomes a waste when it is determined to no longer be suitable for reutilization, transfer, or sale as a product, and at this point DRMO becomes the generator of a waste.

I hope that this explanation clarifies this matter. If you have any questions or need any additional assistance, please contact Mr. Coby Muckelroy of my staff at (505)827-4300.

Sincerely,


Edward L. Horst
RCRA Program Manager
Hazardous and Radioactive Materials Bureau

ELH:CGM:cm