



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

May 5, 2023

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

Mr. Brian Potter  
Chief Operating Officer  
Dynamic Recycling, LLC.  
220 North Industrial Drive  
Bristol, TN 37620

Dear Mr. Potter:

I am writing to follow up on your inquiry about Dynamic Recycling's ethanol reclamation process and how EPA's interpretation of the RCRA industrial ethyl alcohol exemption applies to the reclamation of alcohol-based hand sanitizer.

As stated in EPA's November 17, 2022 memorandum<sup>1</sup>, industrial ethyl alcohol that is reclaimed is not regulated as a hazardous waste per [40 CFR 261.6\(a\)\(3\)\(i\)](#). This exemption was promulgated in 1985, the preamble was brief, and it only discusses examples of *spent* industrial ethyl alcohol, which without the exemption would be a solid and hazardous waste when reclaimed.<sup>2</sup> That said, based on the description of your processes, EPA has reconsidered our position in the November 17, 2022 memorandum and we now agree that the *unused* industrial ethyl alcohol Dynamic Recycling reclaims at their facility, including unused alcohol-based hand sanitizer, qualifies for this exemption.

The Alcohol and Tobacco Tax and Trade Bureau (TTB) regulates the manufacture as well as certain uses of industrial ethyl alcohol under Title 27 of the Code of Federal Regulations. Alcohol-based hand sanitizer would be classified as an "industrial" use of "distilled spirits" (i.e., ethyl alcohol) under the criteria at [27 CFR 1.60](#) and [1.62](#). Because the TTB regulations apply equally to spent industrial ethyl alcohol and to unused industrial ethyl alcohol, the underlying justification for the 40 CFR 261.6(a)(3)(i) exemption applies to both materials when recycled.

When recycled, industrial ethyl alcohol is not subject to RCRA hazardous waste regulation under [parts 262](#) through [parts 268](#), and [270](#) (except that exports and imports must comply with 40 CFR part 262 subpart H). However, the hand sanitizer, the reclaimed industrial ethyl alcohol, and reclamation processes must comply with the RCRA legitimacy factors in [40 CFR 260.43](#). Further, Dynamic Recycling must have or obtain the proper TTB industrial ethyl alcohol permits and comply with all TTB regulations for industrial ethyl alcohol. Additionally, because 40 CFR 261.6(a)(3) exempts certain recyclable materials, such as industrial ethyl alcohol that is reclaimed, from the regulations in 40 CFR 262 through parts 268 and 270, the reclaimed ethanol may be used as a fuel or fuel additive. Therefore, the reclaimed ethanol may be burned for energy recovery in the United States in a unit that is not

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<sup>1</sup> RCRA Management of Excess Alcohol-based Hand Sanitizer, From Hoskinson to Regional RCRA Division Directors; November 17, 2022; [RCRA Online #14953](#).

<sup>2</sup> 50 FR 649; January 4, 1985.

subject to RCRA permitting requirements, provided all applicable TTB regulations and legitimacy factors are complied with prior to burning.

We hope you and your company find this information about the RCRA recycling regulations useful. It should be noted that under RCRA, state regulations may be more stringent and/or broader in scope than the federal program, so we recommend checking with the appropriate state regulatory authority. If you have any further questions, please contact Kristin Fitzgerald at [fitzgerald.kristin@epa.gov](mailto:fitzgerald.kristin@epa.gov) or (202) 566-0512.

Sincerely,

Carolyn Hoskinson  
Director  
Office of Resource Conservation and Recovery