STATE OF RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

# NOTICE OF VARIANCE
# FROM CLASSIFICATION AS A SOLID WASTE

In accordance with Rules 1.5 and 1.6.2 of the RI Hazardous Waste Regulations (250-RICR-140-10-1), a public notice is hereby given of the Department's intent to issue a variance request from Classification as a Solid Waste.

The variance is for Q Tech, LLC d/b/a Material Sampling Technologies (MST), located at 800 Central Street, North Smithfield, RI, that is a precious metal reclamation company.

MST applied for the variance on July 9, 2020. After review, the Department decided to issue its tentative approval of the variance for the "prepared sweeps" from the Definition of Solid Waste with certain stipulations. Public comments period is opened until November 30, 2020.

The application and other pertinent date may be found at
http://www.dem.ri.gov/programs/benviron/waste/pn/mst-variance-pn.pdf

Yan Li, P.E.
Department of Environmental Management
Office of Land Revitalization and Sustainable Materials Management
235 Promenade Street
Providence, RI 02908-5767 (401)-222-2797,
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Emily J. Migliaccio
(401) 214-1026
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July 9, 2020

**NONCONFIDENTIAL DOCUMENT**
**CONFIDENTIAL BUSINESS INFORMATION ("CBI") REDACTED**

**VIA HAND DELIVERY**
Mark Dennen
RI Department of Environmental Management
Office of Land Revitalization and Sustainable
Materials Management
235 Promenade Street, Room 380
Providence, RI 02908

Re: Application for Variance from Classification as a Solid Waste
40 C.F.R. § 260.30
*Q Tech, LLC d/b/a Material Sampling Technologies ("MST")*
800 Central Street, North Smithfield, RI 02896
EPA Facility Registry Service ID No. 110004934313; EPA ID No. RIR000015776

Dear Mr. Dennen:

As you may know, my firm represents MST. On behalf of MST, I submit this letter to request a variance from the classification as a solid waste for the "prepared sweeps" it manufactures, pursuant to 40 C.F.R. § 260.30, as amended by Rule 1.4(c) of the Rules and Regulations for Hazardous Waste Management (250-RICR-140-10-1) (the "Hazardous Waste Regulations").[1] The term "sweeps" is commonly used in the precious metal industry to describe a variety of precious metal-bearing secondary materials intended for reclamation. The term "prepared sweeps" is used to describe such materials after they have been processed and assayed in preparation for further and final reclamation. "Prepared sweeps" is generally defined as a dry, free flowing, homogenous inorganic powder, consisting of particles equal to or less than 0.03 inches in diameter, which has been sampled and assayed for precious metal content, and which contains economically significant amounts of recoverable precious metals.

[1] *See also* Rule 1.5(A)(37)(b) of the Hazardous Waste Regulations: "Determination that a material is not a hazardous waste must be made in accordance with 40 C.F.R. §§ 260.30, 260.31, and 260.33."

## I. CONFIDENTIALITY CLAIM

Pursuant to 40 C.F.R. § 2.201 *et seq.*, MST submits this application, including *Appendix A and B*, under a claim of confidentiality because it contains information about the economic value and proprietary management of precious metal-bearing material and about MST's business partners. Publication of this information will compromise the physical security of these materials and MST's facility, as well as the physical safety of MST's employees who generate and manage them, by encouraging and facilitating their theft. Disclosure of this information will also provide an unfair advantage to its competitors and will compromise MST's position among its competitors and business partners.

This information is also not a "public record," and therefore not subject to public inspection or disclosure, under the Rhode Island Access to Public Records Act, R.I. Gen. Laws § 38-2-1, et seq. Specifically, this information falls under the category of "[t]rade secrets and commercial or financial information obtained from a person, firm, or corporation that is of a privileged or confidential nature." R.I. Gen. Laws § 38-2-2(4)(B).

## II. INTRODUCTION

MST is a precious metal reclamation company located in North Smithfield, Rhode Island that began operations in 2009 after purchasing the precious metals business and assets of Metech International, Inc.[2] MST is in the business of purchasing, sampling, processing, and assaying precious metal-bearing materials. MST accepts secondary precious metal-bearing materials from suppliers in "lots" in a variety of forms, including scrap, bullion, flakes and fines, rags and wipes, refractories, sludges, filters, and turnings, from a variety of sources, primarily in the electronics, jewelry, automotive, aerospace, and telecommunications industries. A very small portion of the incoming materials for processing are manifested into the facility,[3] because they meet the criteria of a "hazardous waste."[4]

MST processes the incoming products in a variety of ways, including shredding, milling, blending, melting and thermal reduction. To be clear, MST is not a refiner; that is, it does not refine precious metals to their elemental state. MST produces intermediate products, namely bullion bars and prepared sweeps, that require further processing outside of the facility. MST's products are sold to smelters and refiners in the U.S., Belgium, Italy, Germany, Sweden, Japan, and Canada for final processing into pure precious metals.

MST's process is an integral part of the entire precious metal reclamation process, from initial secondary source to final smelter, because it establishes the price tag for the product destined for final reclamation. MST has a unique system for creating a homogeneous product—be it the bullion bar or the prepared sweeps—and assaying a representative sample from each lot

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[2] Metech International, Inc. is now an e-recycling company.

[3] In 2019, MST received and processed three lots of material classified as hazardous waste, under three hazardous waste manifests.

[4] MST is authorized to receive and process such materials pursuant to Rules 1.4 and 1.5 of the Hazardous Waste Regulations, adopting 40 C.F.R. § 261.6 and 40 C.F.R. Part 266, Subpart F.

it processes to produce those products to determine the value of precious metals contained in each. The types of precious metals in these products include gold, silver, platinum, palladium, rhodium, copper, iridium, lead and ruthenium.

Though prepared sweeps are a product intentionally manufactured by MST for sale in a well-established world market, we recognize that prepared sweeps may be deemed hazardous waste subject to certain additional regulations, such as those governing exportation of hazardous wastes overseas to foreign smelters and refiners.[5] However, we believe that classifying MST's prepared sweeps products as a hazardous waste is not appropriate, largely because the product is carefully and precisely manufactured and shipped for further/final reclamation and is a very valuable commodity, regardless of its form or the classification of the source material from which it is manufactured.

Companies from around the country that manufacture prepared sweeps have, in the past, petitioned the Environmental Protection Agency ("EPA") for the same type of variance that MST is seeking. In 2000, the International Precious Metals Institute petitioned the EPA on behalf of six companies, including Metech International, Inc., for a broad variance to cover all manufacturers of prepared sweeps. Ultimately, in 2018, EPA amended its solid waste regulations governing the definition of solid waste, specifically to add exclusions from the definition of solid waste for reclamation of certain "hazardous secondary materials" such as prepared sweeps.[6]

Although the Rhode Island Department of Environmental Management (the "Department") has not adopted those recent exclusions in its Hazardous Waste Regulations,[7] it has adopted EPA's protocol for seeking a variance from the definition of solid waste for certain reclaimed materials. Indeed, other Rhode Island-based precious metal reclamation companies have applied for and received such a variance from the Department. For the reasons detailed below, MST respectfully requests that the Department grant it a variance from classifying as a solid waste the "prepared sweeps" produced at its facility.

## III. STANDARDS AND CRITERIA FOR THE REQUESTED VARIANCE

This variance application is made pursuant to 40 C.F.R. § 260.30(c), as amended by the Hazardous Waste Regulations,[8] which provides that a variance from the classification as a solid waste may be granted by the Director of the Department or her designees on a case-by-case basis, for "[m]aterials that have been reclaimed but must be reclaimed further before the materials are completely recovered." Prepared sweeps are such materials.

Section 260.31(c) provides that "a variance from classifying as a solid waste those hazardous secondary materials that have been partially reclaimed, but must be reclaimed further before recovery is completed" may be granted "if the partial reclamation has produced a

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[5] *See* 40 C.F.R. § 262.83.
[6] *See* 40 C.F.R. 261.4(a)(23)-(25).
[7] *See, e.g.*, Rule 1.4(C)(13) and (20) of the Hazardous Waste Regulations.
[8] *See* Rule 1.4(C)(8) and (15) of the Hazardous Waste Regulations.

commodity-like material." The section provides further that:

> A determination that a partially-reclaimed material for which the variance is sought is commodity-like will be based on . . . whether all of the following decision criteria are satisfied:
>
> > (1) Whether the degree of partial reclamation the material has undergone is substantial as demonstrated by using a partial reclamation process other than the process that generated the hazardous waste;
> > (2) Whether the partially-reclaimed material has sufficient economic value that it will be purchased for further reclamation;
> > (3) Whether the partially-reclaimed material is a viable substitute for a product or intermediate produced from virgin or raw materials which is used in subsequent production steps;
> > (4) Whether there is a market for the partially-reclaimed material as demonstrated by known customer(s) who are further reclaiming the material (e.g., records of sales and/or contracts and evidence of subsequent use, such as bills of lading);
> > (5) Whether the partially-reclaimed material is handled to minimize loss.

40 C.F.R. § 260.31(c).[9] The prepared sweeps manufactured by MST satisfy all five criteria, as detailed below.

## IV. DISCUSSION

### 1. *Criterion 1: The Processing of Prepared Sweeps*

The process that generates the hazardous waste that MST receives for processing is very different from the intentional, partial reclamation process that MST uses to manufacture its prepared sweeps. Precious metals are used in a variety of industrial processes, such as jewelry and electronics manufacturing. These processes result in various forms of precious metal-containing materials, including scrap, sludges and byproducts. But, the precious metal content of these materials is not usually precisely known. Further, because the materials are contaminated and/or heterogeneous, a representative sample cannot be taken by the manufacturer, and thus an accurate assay cannot be immediately performed. That is where MST comes in. MST accepts these precious metal-bearing materials from other manufactures, and then homogenizes, samples, and assays them for their precise precious metal content in order to facilitate transactions with the initial manufacturer and ultimately with the overseas smelters and refiners who can extract the precious metals and reclaim them to their elemental form. MST's process assures that the

[9] Omitted from the block quote is a portion of this Section that does not apply in Rhode Island, per the Hazardous Waste Regulations. *See* 250-RICR-140-10-1, Rule 1.4(C)(13).

parties will not have to speculate on the exact precious metal content before reclamation proceeds further.

MST utilizes many methods of homogenizing a "lot" of material, depending on its form and type. For example, for any incoming products that contain organics, the process involves thermal reduction by incineration for removal of organics, then milling, screening, and blending into a prepared sweeps product. Precious metal-containing rags or wipes that contain isopropanol and which come from jewelry manufactures are a specific example of such material. Another example of incoming material that first goes through the thermal reduction process, then is milled, screened, and blended, is sludges from plating and finishing processes, which typically contain gold, silver, platinum, and/or palladium. Upon arrival at MST, those materials are processed through incineration, and the resulting ash is then milled into a sweeps product. This sweeps product will be thoroughly blended, sampled, and assayed for precious metals content. Once the assay is known, the product now has a known content and value based on current precious metals markets. MST's supplier is paid for the material, less the processing charges, and the material is now available to ship to a smelter for final refining.

MST's process ensures that the final products are precisely known commodities because their composition, weight and recoverable metal content are known. Importantly, a batch of prepared sweeps can be resampled and assayed by others, including smelters and refiners upon receipt of the prepared sweeps, which helps ensure the transparency and reliability of the transaction.

2. ***Criterion 2: The Economic Value of Prepared Sweeps***

The prepared sweeps products manufactured by MST have an economic value[10] that ensures they will be purchased for further reclamation. The prepared sweeps manufactured by MST in 2019 contained an average precious metal value of about $[redacted] per pound of prepared sweeps product. Evaluating only the "high value" lots, the average precious metal value is over $[redacted] per pound of prepared sweeps product. Enclosed as *Appendix A* to this Application is a listing of all lots of prepared sweeps processed in 2019, showing the weight (in pounds) of each lot, the precious metal content of each lot in ounces, the total value of each precious metal constituent, and the total value of all prepared sweeps manufactured in 2019. This latter figure—*i.e.*, the total value of precious metals in all prepared sweeps manufactured by MST and shipped to refiners and smelters in 2019—was $[redacted]. The value of precious metal in each lot of such prepared sweeps was more than enough to cover the full cost of final reclamation for such lot, including all smelter and refinery charges and costs of transportation, and ensure a profit to the parties in the transaction. Therefore, MST's prepared sweeps product has economic value that ensures it will be purchased for further reclamation.

[10] MST determines the values of its products using precious metal values from industry-recognized precious metals markets, such as the London Bullion Market, and New York COMEX Fix or Spot.

3. ***Criterion 3: Prepared Sweeps are a Viable Substitute for a Product or Intermediate Produced from Virgin or Raw Materials***

The prepared sweeps produced by MST are a commodity-like, smelter- or refiner-ready material that can be substituted for a virgin product, such as an ore or concentrate, and that is typically fed into the smelting process. A prepared sweep derived from a waste or otherwise will obviously contain materials other than and in addition to precious metals, which may be classified as hazardous and which will vary from lot to lot. The smelters and refiners to whom MST ships its prepared sweeps are very familiar with and experienced in managing both the precious metals in the product, and the other non-precious metal constituents in the product, as they have been doing it for decades. In all circumstances, whether a source material is primary or secondary, a smelter anticipates a variety of elements in any precious-metal bearing source material. The common element among all sources is the presence of one or more precious metals in a precisely-known quantity and in a sufficiently high concentration to cover the costs of extraction from the other materials present in the source.

4. ***Criterion 4: The Market for the Prepared Sweeps***

There is a high demand and a competitive international market for precious metals generally. Because the primary sources of precious metals (such as ores) cannot meet the demand alone, there is a specific and competitive market for prepared sweeps as a source of precious metals. For MST, this is demonstrated by the smelters and refiners with whom MST contracts to further reclaim the material. MST has standing contracts with smelters and refiners in U.S., Belgium, Italy, Germany, Sweden, Japan, and Canada. A list of the specific smelters and refiners with which it had contracts with in 2019 and continues to have today is attached hereto as *Appendix B*; *see also Appendix A* for a list of all precious metal-bearing lots shipped to these smelters and refiners in 2019.

Since beginning operations in 2009, MST has sold all the prepared sweeps it has manufactured. The value of precious metals, and the inability for primary sources of such metals to meet the market demand alone, ensures a market for MST's prepared sweeps.

5. ***Criterion 5: The Handling of the Prepared Sweeps***

Companies such as MST who manufacture prepared sweeps or who handle precious metals generally, have a great interest in handling the materials with care and caution due to the economic value attached to them. Indeed, the Environmental Protection Agency has found that the value of precious metal-bearing secondary material creates an "imperative incentive to avoid leaks and spills" (50 FR 617, Jan. 4,1985), and has long recognized that secondary precious metal-bearing material is not mishandled because of that value:

> By 'precious metal reclamation,' we mean to include any reclamation operation recovering gold, silver, iridium, palladium, platinum, rhodium, ruthenium (or any combination of these). Examples are certain electroplating wastewater treatment sludges, solutions and sludges from electroplating and heat-treating operations, and

> certain silver-bearing scrap and silver-containing photographic films and solutions. Generally, the value of the metal in these materials is so great that they will not be mishandled. Indeed, many of these materials are never disposed of because of their value.

48 FR 14472, April 4, 1983.

MST manages its prepared sweeps in a manner commensurate with their value. MST manufactures the materials in a completely enclosed building, accessed by permission only, surrounded by a perimeter fence, secured by a 24/7 alarm system, and monitored by security cameras. MST's management team trains its employees and monitors the manufacturing process closely to ensure there is no loss of material. MST closely tracks its inventory of all incoming and outgoing materials, and all prepared sweeps products are tracked by lot/batch number, weight, precious metal content (in ounces), and value. After processing, and prior to final shipment, the resulting prepared sweeps products are packed into drums with sealed covers, and then into sealed containers. The products are stored onsite in designated areas of the facility until final shipment. MST has a secured vault within the facility for especially high-value products. All seal numbers are tracked to ensure the drums and containers are not tampered with prior to reaching their final destination. MST facilitates all outgoing freight, and sometimes involves a broker who will assist with delivery. All of MST's shipments are insured while in transit, up to a value of $[redacted] per shipment, but MST has never lost a shipment in transit.

## V. CONCLUSION

The "prepared sweeps" that MST manufactures are a valuable commodity, specifically and intentionally processed to be marketable to smelters and refiners across the world. Prepared sweeps have been manufactured in the same manner and have been traded internationally for decades, long before any hazardous waste regulations came into place. There is a high demand for this partially-reclaimed, economically-valuable product, and for that reason, the products are carefully manufactured and managed to ensure no loss or waste. For these reasons, and the reasons provided above, MST respectfully requests that the Department grant a variance from the classification of solid waste for its prepared sweeps products.

Please do not hesitate to contact me should you have any questions or require any additional information.

Sincerely,

Emily J. Migliaccio

Enclosures (containing confidential business information; not submitted with redacted copy)
cc: Craig Haddad (via email)
David Lafond (via email)
Jennifer Cervenka (via email)

cervenka green & ducharme llc

Emily J. Migliaccio
(401) 214-1026
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October 21, 2020

**VIA HAND DELIVERY**
RI Department of Environmental Management
Office of Land Revitalization and Sustainable
Materials Management
235 Promenade Street, Room 380
Providence, RI 02908
Attn: Yan Li

Re: Supplement to Application for Variance from Classification as a Solid Waste
40 C.F.R. § 260.30
*Q Tech, LLC d/b/a Material Sampling Technologies ("MST")*
800 Central Street, North Smithfield, RI 02896
EPA Facility Registry Service ID No. 110004934313; EPA ID No. RIR000015776

Dear Ms. Li:

Per our earlier discussion, I enclose a copy of the Report of Analytical Results dated October 7, 2020 and prepared by New England Testing Laboratory, Inc., that details the results of MST's sampling of some of its "prepared sweeps." (I also emailed this Report to you on October 7, 2020.)

Also, for your files, below is a list of waste codes for the manifested shipments that MST has received in the past (and reasonably anticipates it may receive in the future) for processing into prepared sweeps:

- D001
- D006
- D007
- D011
- F008

Please do not hesitate to contact me should you have any questions. Thank you.

Sincerely,

Emily J. Migliaccio

New England Testing Laboratory, Inc.
(401) 353-3420

# REPORT OF ANALYTICAL RESULTS

## NETLAB Work Order Number: 0I30035
## Client Project: General Project

Report Date: 07-October-2020

Prepared for:

Material Sampling Technologies
Material Sampling Technologies
800 Central Street
North Smithfield, RI 02896

Richard Warila, Laboratory Director
New England Testing Laboratory, Inc.
59 Greenhill Street
West Warwick, RI 02893
rich.warila@newenglandtesting.com

## *Samples Submitted:*

The samples listed below were submitted to New England Testing Laboratory on 09/30/20. The group of samples appearing in this report was assigned an internal identification number (case number) for laboratory information management purposes. The client's designations for the individual samples, along with our case numbers, are used to identify the samples in this report. This report of analytical results pertains only to the sample(s) provided to us by the client which are indicated on the custody record. The case number for this sample submission is 0I30035. Custody records are included in this report.

| Lab ID | Sample | Matrix | Date Sampled |
|---|---|---|---|
| 0I30035-01 | 602565-01 | Solid (Misc) | 09/30/2020 |

## Request for Analysis

At the client's request, the analyses presented in the following table were performed on the samples submitted.

**602565-01**

| | |
|---|---|
| Free Cyanide | EPA 9014 |

The analytical methods provided are documented in the following references:

*Manual of Methods for Chemical Analysis of Water and Water Wastes*, EPA-600/4-79-020 (Revised 1983), USEPA/EMSL.
*Standard Methods for the Examination of Water and Wastewater*, 20th Edition, 1998, APHA, AWWA-WPCF.
40 CFR 136, *Guidelines Establishing Test Procedures for the Analysis of Pollutants Under the Clean Water Act*, Office of Federal Register National Archives and Records Administration.

# *Results:*

**Sample: 602565-01**
**0I30035-01 (Solid (Misc))**

**General Chemistry**

| | Result | Reporting Limit | Units | Date Analyzed |
|---|---|---|---|---|
| Cyanide | ND | 0.20 | mg/kg | 10/06/20 |

## Case Narrative

The samples were all appropriately cooled and preserved upon receipt. The samples were received in the appropriate containers. The chain of custody was adequately completed and corresponded to the samples submitted.

Free Cyanide: The sample was reported with an elevated detection limit due to matrix interference.

**New England Testing Laboratory**
59 Greenhill Street
West Warwick, RI 02893
(401) 353-3420

# Chain of Custody Record

0 I 3 0035 I

| Project No. | Project Name/Location: | | | | Matrix | | | | | Tests** | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Client: MATERIAL SAMPLING TECHNOLOGIES | | | | | | | | | | 9044 Free Cyanide | | | | | | | | |
| Report To: CRAIG HADDAD | | | | | | | | | | | | | | | | | | |
| Invoice To: Same craig.haddad@mstllcus | | | | | | | | | | | | | | | | | | |
| Date | Time | Comp | Grab | Sample I.D. | Aqueous | Soil | Other | No. of Containers | Preservative | | | | | | | | | |
| 9/30/20 | 12:50 | | | 602565-01 | | | X | 1 | | X | | | | | | | | |

| Sampled By: | Date/Time | Received By: | Date/Time | Laboratory Remarks: | Special Instructions: |
|---|---|---|---|---|---|
| | | | | | Paid Visa: $57 |
| Relinquished By: | Date/Time | Received By: | Date/Time | | |
| [signature] | 9/30/20 12:50 pm | [signature] | 7/30/20 12:50 | Temp. Received: | |

**Netlab Subcontracts the following tests: Radiologicals, Radon, TOC, Asbestos, UCMRs, Perchlorate, Bromate, Bromide, Sieve, Salmonella, Carbamates

Turnaround Time [Business Days]: 5 Days



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RHODE ISLAND
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND
235 Promenade Street, Room 380
Providence, Rhode Island 02908

October 29, 2020

Emily J. Migliaccio
Cervenka Green & Ducharme LLC

Re: Notice of Intent to Approve
Petition for Variance from Classification as a Solid Waste
*Q Tech, LLC d/b/a Material Sampling Technologies (MST)*
800 Central Street, North Smithfield, RI 02896
EPA Facility Registry Service ID No. 110004934313
EPA ID# RIR000015776

Dear Ms. Migliaccio,

The letter is in response to your request on behalf of MST for a variance from the Definition of Solid Waste for materials produced at the 800 Central Street, North Smithfield, Rhode Island facility. The variance application states that during the process of reclaiming precious metals, "prepared sweeps" are generated. The "prepared sweeps" for which the variance is sought are generated from the processing (includes thermal reduction, milling and screening) of listed hazardous waste containing precious metals. The material contains less than or equal to 250 mg/kg free cyanides.

Based upon the information and documentation provided in your petition, in accordance with Rules 1.5 and 1.6 of Rules and Regulations for Hazardous Waste Management (250-RICR-140-10-1)**,** 40 CFR 260.30, 260.31 and 260.33, the Department hereby issues its tentative approval of the variance for the "prepared sweeps" from the Definition of Solid Waste with the following stipulations:

1. The variance applies only to the prepared sweeps produced from the hazardous waste identified by MST letter received on October 21, 2020 and containing recoverable levels of precious metals.
2. The physical and chemical compositions of the prepared sweeps shall be comparable to analogous raw precious metal-bearing material, as described in the petition for variance.
3. The variance shall only be valid if there continues to be a proven end market for the fine materials because of the value of the precious metals contained within.

4. MST shall be required to perform yearly sampling of the sweeps covered by the variance and analyze each of the samples for its free cyanide content in accordance with EPA approved methodology. MST is required to submit the results of all such sampling and analysis to RIDEM within 30 days after receiving the test results.
5. This variance only applies to the prepared sweeps that MST intends to generate from hazardous wastes that bear waste codes in the letter received on October 21, 2020. MST shall notify the Department prior to accepting any waste other than those listed in the October 2020 letter.
6. MST shall transport prepared sweeps covered by the variance in DOT-approved containers and that are compatible with the waste.
7. MST must maintain records at the facility of total volumes received, stored, and shipped, as well as the name of facility from which the material is received and to which it is shipped. Those records shall be made available to the Department for inspection. Those records must be retained for a minimum of three years.

This tentative approval is based upon the representation made in the variance request (submissions of July, August & October 2020) relative to the generation, processing, handling, and recycling of said "prepared sweeps". Any substantial change in the production and processing of prepared sweeps at the facility, or deviation from those representations made in the petition, shall nullify this approval and may result in issuance of a Notice of Violation with penalties.

MST must publish the enclosed Public Notice in a local newspaper. A copy of the published notice must be sent to this office. A decision will be made after the closing of the public comment period.

If you have further questions, please contact me at (401)222-2797, extension 7529.

Sincerely,

Leo Hellested, PE

Leo Hellested, P.E., Chief
Department of Environmental Management
Office of Waste Management

CC: Yan Li, OLRSMM/DEM
Mark Dennen, OLRSMM/DEM

cervenka green & ducharme llc

Emily J. Migliaccio
(401) 214-1026
emigliaccio@cgdesq.com

November 4, 2020

**VIA HAND DELIVERY**
RI Department of Environmental Management
Office of Land Revitalization and Sustainable
Materials Management
235 Promenade Street, Room 380
Providence, RI 02908
Attn: Yan Li

Re: Supplement to Application for Variance from Classification as a Solid Waste
40 C.F.R. § 260.30
*Q Tech, LLC d/b/a Material Sampling Technologies ("MST")*
800 Central Street, North Smithfield, RI 02896
EPA Facility Registry Service ID No. 110004934313; EPA ID No. RIR000015776

Dear Ms. Li:

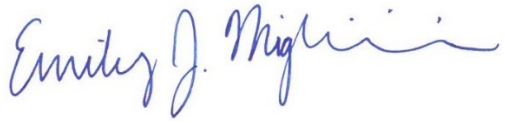
Per our earlier discussion, below is an amended list of waste codes for the manifested shipments that MST reasonably anticipates it may receive in the future for processing into prepared sweeps, the product for which MST is seeking the above-referenced variance:

- D001
- D002
- D003
- D004
- D005
- D006
- D008
- D011
- D035
- F005
- F006
- F007
- F008

This list replaces the list we submitted to you on October 21, 2020, which only contained a list of waste codes for the manifested shipments that MST had recently received in the past (and reasonably anticipated it may receive in the future for processing into prepared sweeps).

Please do not hesitate to contact me should you have any questions. Thank you.

Sincerely,



Emily J. Migliaccio