

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT

August 2003

1. Small Quantity Generator Treatment in Tanks

Hazardous waste generators may treat waste on site in accumulation tanks or containers without a RCRA permit or interim status provided they are in compliance with the applicable provisions in 40 CFR Section 262.34 and provided that the treatment is not thermal treatment (56 FR 10146, 10168; March 24, 1986). Section 262.34 directs generators accumulating hazardous waste in tanks and containers to follow the requirements for those units in Subparts I and J of Part 265. Specifically, a small quantity generator (SQG) who accumulates waste in a tank is directed to the special tank standards in Section 265.201 (Section 262.34(d)(3)). Should a SQG performing on-site treatment of hazardous waste in a tank comply with the special Section 265.201 standards, or is the SQG subject to all of Part 265, Subpart J?

A SQG performing on-site treatment in a tank would continue to follow the special standards in Section 265.201. Since the Part 265, Subparts I and J unit standards, including the special SQG tank standards in Section 265.201, are designed to ensure that the integrity of a tank or container is not breached, the same standards apply regardless of whether a unit is used for treatment or accumulation (56 FR 10146, 10168; March 24, 1986). The structure and content of the regulations in Section 265.201 were intended to supplant Subpart J requirements for SQGs rather than supplement them. Therefore, a SQG complies with Section 265.201 instead of all of the Subpart J regulations when accumulating or treating hazardous waste in tanks. Generators should be aware that authorized states can be more stringent than EPA and should always confer with the implementing agency to determine applicable unit standards.

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