

PPC 9441.1984(25)

CONTAINERS, TYPES OF EMPTY - RESIDUE HANDLING

SEP 10 1984

George Noble  
Nobel & Associates, Inc.  
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Skokie, IL 60077

Dear George,

This will recap our telephone conversation and clarify the Agency position on residues from empty containers. EPA recognizes three kinds of empty containers. Containers that hold compressed gas are empty when they approach atmospheric. Containers that hold acutely hazardous waste from §261.33 (e) are empty when they are triple rinsed, the liner is removed, or an equivalent removal method is employed. Residue from containers that formerly held an acutely hazardous commercial chemical product is, by the mixture rule, a listed hazardous waste subject to RCRA regulation. All other containers are empty when they have been emptied (by their normal means) and one inch or less remains in the bottom or a given percentage by weight of the contents remains.

Residue that remains in an empty container is not considered, by definition, to be a hazardous waste. The contents of an empty container are only hazardous if they are hazardous by characteristic. As I told you, not all harmful waste would exhibit a characteristic. Although the residue remaining in empty containers is not presently an issue under review, the Agency has retained the right to regulate it at a future date.

As you know, the 44 States and territories that have instituted hazardous waste programs that operate in lieu of RCRA may have slightly different viewpoints on this issue. You should be familiar with regulatory standards of any States you deal with. The RCRA/Superfund Hotline at 800-424-9346 can send you a copy of the State hazardous waste agency addresses

and phone numbers if you need it.

Although the unregulated residues in empty containers is still of concern, at present EPA resources are being employed for other, higher priority projects. If you have any other questions on the Agency position regarding possible future regulation of residue from empty containers, please let me know.

Sincerely yours,

Alan S. Corson  
Chief  
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August 20, 1984

Alan Corson  
U.S. Environmental Protection Agency  
Washington, DC 20460

Re: Rinsate from Empty Containers

Dear Alan,

Further to our recent telephone conversations, I would like to formally request an opinion on the subject of rinsate from empty containers.

As you know 40CFR261.7, establishes an exemption for "Residues of Hazardous Wastes in Empty Containers." However, the August 18, 1982, preamble to this regulation created an expectation that we might in the near future see some new regulation which would control these residues after removal from the container.

If I understand you correctly, the current view is that these residues (from empty containers) are thought to be less of a problem than was supposed at the time the preamble was drafted and that EPA does not propose to regulate them.

I would very much appreciate a confirmation of the current EPA position on this subject.

Yours very truly,

Original Document signed

George Noble, P.E.

Copy to: Mark Wright  
Steve Rubin