

9444.1981(03)

K052 LISTING FOR WASTES GENERATED BY PETROLEUM INDUSTRY

OFFICE OF SOLID WASTE

JUN 6 1981

Mr. Ed Keough  
Continental Pipeline  
P.O. Box 2197  
Room 600  
Richmond Tower  
Houston, Texas 77001

Dear Mr. Keough:

This letter is in response to your request for a clarification of the hazardous waste listing K052, "Tank bottoms (leaded) from the petroleum refining industry." In our telephone conversations, you indicated that your company, as well as other pipeline companies, generate leaded tank bottoms at bulk terminals, distribution points, etc., which are not part of a refinery. Therefore, it was not clear to you whether the listing K052 included all leaded tank bottoms generated by the petroleum industry or just those specifically generated at a petroleum refinery.

As you had discussed with Matt Straus, of my staff, on the telephone, the hazardous waste listing K052 is limited to only those leaded tank bottoms which are generated at or as part of a petroleum refinery. A petroleum refinery is described in the listing background document as a "...complex combination of interdependent operations engaged in the separation of crude oil by molecular cracking, molecular rebuilding and solvent refinishing, to produce a varied list of intermediate and finished products..." [Background Document: §§261.31 and 261.32 - Listing of Hazardous Wastes (Finalization of May 19, 1980 Hazardous Waste List), November 14, 1980, p. 685.] Therefore, only leaded bottoms from those tanks (i.e., tank farm) which are directly part of a petroleum refinery (i.e., used to store product/crude prior to shipment off-site) and which generate leaded bottoms would be currently covered by the listing. These leaded bottoms are subject to control

as hazardous wastes when they are removed from the tanks. This we believe is made clear in reading the listing background document which defines the scope of the listing.

This, however, does not mean that your bottoms are non-hazardous. Each generator is ultimately responsible for determining whether this waste exhibits any of the characteristics of hazardous waste (i.e., ignitability, corrosivity, reactivity and EP toxicity) as provided in §262.11 of the regulations. If the waste exhibits a hazardous waste characteristic, the facility will be deemed a generator of hazardous waste, and the waste must be managed in accordance with the hazardous waste management regulations. In addition, if, in further studies, the Agency determines that leaded tank bottoms generated from other sources are also hazardous, the Agency will amend the listing to include these sources under Subtitle C control.

Please feel free to give me or Matt Straus of my staff a call if you have any further questions. My telephone number is (202) 755-9185 while Matt's telephone number is (202) 755-9187.

Sincerely yours,

Alfred W. Lindsey  
Deputy Director  
Hazardous and Industrial Waste Division (WH-565)

WH-565:MStraus:pes:x59187:5-30-81 Disk PS-51-02