

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

Ms. Jill A. Weller
Thompson, Hine, & Flory P.L.L.
312 Walnut St.
Suite 1400
Cincinnati, OH 45202-4029

Dear Ms. Weller:

This letter is in response to your June 16, 1997 letter to Timothy Fields regarding the applicability of the Environmental Protection Agency's (EPA's) regulations to indoor piping and flow equalization tanks used to convey solvents from spray painting booths to exterior accumulation tanks.

Your letter contains the following description of your client's circumstances. As we understand it, your client uses solvent to clean automated spray painting guns when changing paint color. The waste solvent is regulated as D001 (Characteristic of Ignitability) or, on occasion, F003 (spent solvents listed in 40 Code of Federal Regulations (CFR) 261.31). During cleaning used solvent is collected in funnels and then piped to a "flow equalization" tank located near the booth, and then finally piped to an outdoor above-ground accumulation tank which is equipped with secondary containment and is managed pursuant to the requirements at 40 CFR 262.34. The requirements at §262.34 require that generators accumulating waste in tanks comply with the provisions of Part 265 Subpart J. You ask whether EPA considers flow equalization tanks and associated indoor piping to be part of a manufacturing process unit and its associated non-waste-treatment manufacturing unit. Waste contained in manufacturing process units and associated non-waste-treatment manufacturing units is exempted under 40 CFR 261.4(c) until it is removed. You also ask whether the indoor portions of the unit are subject to regulations such as the requirements for secondary containment found at 40 CFR Subpart J, and the air emission requirements of 40 CFR Part 265, Subpart BB.

Based on the information provided in your letter, the Agency believes that the used solvent is a waste once it leaves the spray painting unit, and that the equalization tank and associated piping are subject to hazardous waste regulatory requirements. Since the used solvent is physically removed (i.e., piped) from the spray painting unit, and since it will no longer be used to clean spray paint guns once removed, the solvent is considered a waste when it leaves the unit. All tank system components (the

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equalization tank, outside accumulation tank, and all associated piping) are part of the waste storage tank system and are subject to the relevant generator accumulation requirements including those for secondary containment unless otherwise exempted for reasons described at 40 CFR 265.193(f), (g), and (h). The exemption at 261.4(c) applies where waste is generated and then contained for some period of time within process units (typically tank-like units), such as sludge that accumulates on the bottom of raw material product tanks. However, the system you have described is not part of the production system, but serves solely to manage wastes.

We suggest that you contact your state agency with questions you may have about a specific location or about the specific units described in your letter since this letter is a general interpretation of the federal regulations and your authorized state agency is responsible for interpreting its own regulations and making site specific regulatory determinations. Should you have any questions about the contents of this letter, please contact Jeff Gaines at (703) 308-8655, or Ann Codrington at (703) 308-8825. Thank you for your interest in the safe management of hazardous waste.

Sincerely,

Elizabeth Cotsworth, Acting Director
Office of Solid Waste