

PPC 9441.1984(26)

CONTAINERS THAT HELD COMMERCIAL CHEMICAL PRODUCTS,  
DEFINITION OF EMPTY

SEP 11 1984

Mr. William M. Parker III  
Akzo Chemie America  
300 S Wacker Drive  
Chicago, IL 60606

Dear Mr. Parker:

I am responding to your request for a written confirmation of the interpretation that the RCRA/Superfund Hotline gave you. According to 40 CFR §261.7(b) (1), containers that held commercial chemical products from 40 CFR §261.33(f) are empty when they have been emptied using the practice commonly used to remove materials and no more than one inch of residue remains on the bottom of the container, or no more than 3 percent of the weight of the container's capacity remains if the container is 110 gallons or less in size.

Thus, pouring out the contents from a bag, then shaking and tapping the outside of bags containing solid maleic anhydride (U147) or solid phthalic anhydride (U190) is a common emptying practice. This practice would likely result in empty containers meeting the definition cited above. These "empty containers" are not subject to Federal RCRA regulation.

Of course, 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 (800/424-9346) can send you a list of the State hazardous waste agency addresses and phone numbers if you need it.

I am glad to be able to confirm the Hotline's assessment of your emptying practices. Let me know if I can be of any future assistance.

RO 12307

Sincerely yours,

Alan S. Corson  
Chief  
Studies and Methods Branch