

9461.1989(04)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, DC 20460

July 20, 1989

Karen M. Wardzinski
Freedman, Levy, Kroll & Simonds
Washington Square
1050 Connecticut Avenue, N.W
Washington, D C. 20036-5366

Dear Karen:

I am writing in response to your letter of May 24, 1989. You asked me to confirm that a transporter may move waste from a large container into smaller containers at a transfer facility without obtaining a RCRA permit. Under the federal RCRA regulations transporter may operate a transfer facility without a permit if he complies with 40 CFR 263 including 263.12. As EPA explained in the preamble to the transfer facility regulation:

These amendments do not place any new requirements on transporters repackaging waste from one container to another (e.g consolidation of wastes from smaller to larger containers) or on transporters who mix hazardous wastes at transfer facilities

45 Federal Register 86967 (December 31, 1980). The reference to repackaging from smaller to larger containers in the above discussion was simply an example and was not intended to limit the repackaging of wastes to such situations. Therefore a transporter may repackage wastes into smaller containers without obtaining a permit. Of course a transporter may not treat the waste as a part of this operation.

As you know state regulations may be more stringent than federal regulations on this issue. If you need further assistance please call me at 382-7706.

Sincerely,

RO 13308

Diane Regas
Attorney
Solid Waste and Emergency
Response Division (LE-1328)