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OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

APR 10 1990

Richard G. Stoll
Freedman, Levy, Kroll, and Simonds
1050 Connecticut Ave. NW
Washington, DC 20036-5366

Dear Mr. Stoll:

This letter responds to your January 15, 1990, request for a regulatory interpretation of 40 CFR 261.7, as it applies to washwaters resulting from the steam-spraying of "empty" tank cars. It is our understanding that "steam-spraying" involves the use of water only, and not additional solvents.

You are correct in your interpretation that the provision found at 40 CFR 261.7, governing residues of hazardous waste remaining in an empty container, applies to such residues when they are removed by steam-spraying. Section 261.7 does exempt the resulting washwaters from RCRA Subtitle C, including the requirement for determining whether a solid waste exhibits a hazardous characteristic under Part 261 Subpart C.

It should also be noted that the exemption at 40 CFR 261.7 applies only to "empty" containers, as defined in that section. If the steam-spraying is conducted on a container that is not empty, or is done in order to render a container empty, the residues are not exempted by 40 CFR 261.7, but rather are fully subject to RCRA Subtitle C.

I should also note that regulatory interpretation applies only to Federal regulations. The appropriate State regulatory agency may have regulations that are more stringent or that may otherwise differ from Federal regulations. I strongly encourage you to seek such regulatory determinations from the appropriate State agencies.

Sincerely,

RO 11504

Original Document signed
"Devereux Barnes for"

Sylvia K. Lowrance
Director
Office of Solid Waste