

Mr. Mitchel Mace
Technical Sales
Aaron Oil Company, Inc.
P.O. Box 2304
Mobile, Alabama 36652

Dear Mr. Mace:

Thank you for your letter of November 1, 2000 about the recycling of petroleum vapors and liquid condensate from petroleum product storage terminals. According to your letter, carbon-containing filters (known as vapor recovery units, or VRUs) are used to adsorb volatile hydrocarbons released from the petroleum products (gasoline and distillates). The accumulated hydrocarbons are then heated, condensed, and returned to the front end of the petroleum refinery to be reused. The spent carbon is subjected to the Toxicity Characteristic Leaching Procedure (TCLP) and disposed of in a landfill. Your letter asked us to concur with your opinion that reclaiming the petroleum product is excluded from regulation under the Resource Conservation and Recovery Act (RCRA) pursuant to 40 CFR 261.2(c)(3).

According to the facts you have described, the bulk tanks in question are used to store petroleum products, and the VRUs which are used to capture the off-gases and liquid condensate are dedicated to product units. Therefore, the captured hydrocarbons would not be secondary materials; they would be products rather than wastes and not subject to RCRA regulation. You are correct in your interpretation that they would be considered commercial chemical products being reclaimed, which are excluded from the definition of solid waste even if they are non-listed commercial chemical products (see 50 FR 14219, April 11, 1985).

We note that the regulatory determination presented in this letter applies to the federal hazardous waste program. Most State regulatory agencies are authorized to implement the hazardous waste program in lieu of the federal program, and State regulations may be more stringent than the Federal regulations. You should therefore contact your State regulatory agency to ascertain their requirements.

Thank you for your interest in the hazardous waste management program. If you have any further questions, please contact Marilyn Goode of my staff at 703-308-8800.

Sincerely,

Robert Dellinger
Acting Director
Hazardous Waste Identification Division

RO 14555