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## MONTHLY HOTLINE REPORT

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### 1. Tank Storage at Transfer Facilities

A transfer facility is a place where transporters temporarily hold shipments of hazardous waste during the normal course of transportation (40 CFR 260.10). A transporter storing manifested shipments of hazardous waste in containers meeting DOT packaging requirements at a transfer facility for less than 10 days is not required to obtain a permit and is not subject to the requirements of Parts 264, 265, or 268 (263.12). May a transporter store hazardous waste in stationary tanks at a transfer facility and still remain subject to the reduced transfer facility requirements of 263.12?

A transporter may not store hazardous waste in stationary tanks and still remain subject to the reduced transfer facility requirements because such tanks are not portable. To store hazardous waste at a transfer facility without a permit or interim status, the transporter must meet three criteria. First, the transporter may store only manifested shipments of hazardous waste. Second, waste must be held in containers (including tank cars and cargo tanks) which meet DOT packaging requirements. Container is defined to mean any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled (40 CFR 260.10). Finally, the waste may only be held for 10 days or less (263.12). The transfer facility provisions, therefore, apply to storage in portable containers (to accommodate the normal and routine activities of the transportation industry). Storage of waste in stationary tanks at a transfer facility would not be a normal or routine activity of the transportation industry and thus is prohibited unless the facility has a permit or interim status (45 FR 86967; December 21, 1980).