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1. Intact vs. Non-Intact Tanks

For purposes of the RCRA land disposal restrictions (LDR) alternative debris treatment standards, debris is defined, "as solid material exceeding a 60 mm particle size and that is intended for disposal and that is: a manufactured object; or plant or animal matter; or natural geologic material (40 CFR §268.2(g)). " In clarifying this definition, EPA made a distinction between intact and non-intact containers by indicating that non-intact containers are debris, but that intact containers (i.e., containers of hazardous waste that are not ruptured and that retain at least 75 percent of their original volume) are not debris (57 FR 37225; August 18, 1992). Does this mean that intact tanks are also not debris?

Intact tanks are not debris for purposes of the alternative LDR debris treatment standards. When EPA established the alternative debris standards, the Agency made a distinction between intact containers and non-intact containers by indicating that nonfunctional (i.e., non-intact) containers are more naturally classifiable as debris and as a result, the alternative standards are more appropriate for such damaged materials (57 FR 37225; August 18, 1992). Based on this distinction, containers of hazardous waste which are not ruptured and that retain at least 75 percent of their original volume are considered intact, and thus not debris. On the other hand, containers which do not meet this criteria are non-intact, and thus potentially debris. Although EPA did not make a similar distinction between intact and non-intact tanks, the Agency clearly indicated that it did not intend to regulate intact tanks as debris (57 FR 37225; August 18, 1992). Intact tanks do not meet the definition of debris, non-intact tanks may meet the definition of debris based on the criteria which is used for distinguishing intact from non-intact containers.