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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MAY 86

1. Small Quantity Generators/Parts Washers/Waste Counting

An owner/operator (o/o) of a service station leases a parts washer containing mineral spirits from the Safety-Kleen Corporation. The o/o uses the mineral spirits on a daily basis to degrease parts on-site. The spent mineral spirits exhibit a flash-point less than 140o F. The o/o's written contract with Safety-Kleen requires Safety-Kleen to collect the mineral spirits for reclamation and to deposit regenerated or new mineral spirits at the service station every eight weeks. The o/o is a "100-1000 kg/mo generator" of hazardous wastes.

When, if ever, do the o/o's mineral spirits become regulated as a hazardous waste? According to the revised small quantity generator regulations which appeared in the March 24, 1986 Federal Register, are the mineral spirits counted in determining the amount of hazardous waste generated?

Section 261.4(c) exempts "[a] hazardous waste which is generated...in a manufacturing process unit or an associated nonwaste-treatment-manufacturing unit" from regulation under Parts 262 through 265 and the notification requirements of Section 3010 of RCRA. The material is only subject to regulation when it is removed from the unit in which it was generated or if the material remains in the unit for more than 90 days after the unit ceases to be operated for manufacturing purposes. In this specific case, the parts washer leased from Safety-Kleen is functioning as a manufacturing process unit. The parts washer is a containerized unit used in degreasing operations. Therefore, the mineral spirits will not be subject to regulations under Parts 262-265, 270, 271, 124, and Section 3010 until they are emptied from the parts washer container or until they remain within a nonoperational parts washer for more than 90 days, whichever occurs first.

Under the March 24, 1986 rules, waste exempt from some regulations under §261.4(c) are not counted. As long as the waste is exempt

under §261.4(c), it need not be counted. However, the mineral spirits would be counted in determining the amount of hazardous waste generated on-site as soon as the mineral spirits are removed from the parts washer unit or after they remain in the non-operating unit for more than 90 days. If the mineral spirits remain within the parts washer unit for 90 days or less after the unit ceases operation, then they will not be counted towards the quantity determination of the service station o/o.

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