

9453.1990(02)

RCRA/SUPERFUND HOTLINE SUMMARY

JULY 1990

I. SIGNIFICANT QUESTIONS AND RESOLVED ISSUES-JULY 1990

RCRA

1. Adding Absorbent to Waste Containers

40 CFR Sections 264.1(g)(10) and 265.1(c)(13) exempt the following activity from permitting requirements: "(t)he addition of absorbent material to waste in a container...or the addition of waste to absorbent material in a container, provided that these actions occur at the time waste is first placed in the container; and sections 264.17(b), 264.171, and 264.172 are complied with." To qualify for this exemption, must a generator add absorbent to his waste the first time the waste is containerized, or may he treat or store the waste in other units before performing absorption in a specified container?

This exemption applies solely to the activity of adding absorbent to waste in a specific container. Treating or storing the waste in other tanks or containers before absorbent is added would not cause a generator to lose this exemption. Such treatment or storage, however, is not included in the exemption, and therefore must either be permitted activity or conform with the generator accumulation requirements of 40 CFR Section 262.34. According to 51 FR 10168: "(n)othing in Section 262.34 precludes a generator from treating waste when it is in an accumulation tank or container covered by that provision." Therefore, a generator following all applicable requirements of Section 262.34 could treat his waste in one container before adding absorbent in another.

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