

PESTICIDE DISPOSAL BY FARMERS AND CONTAINER MANAGEMENT

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

25 MAR 87

Mr. Randy Bodley  
Transbas Incorporation  
1525 Lockwood Road  
P.O. Box 957  
Billings, Montana 59103

Dear Mr. Bodley:

Thank you for your letter of February 27, 1987, regarding the reuse of pesticide containers. Under the Environmental Protection Agency (EPA) regulations issued pursuant to subtitle C of the Resource Conservation and Recovery Act (RCRA), a generator of a solid waste must determine if he generates a hazardous waste, and if so, must comply with the regulations at 40 CFR Parts 260-268, 270, and the notification requirements of RCRA Section 3010. The drum rinsate you describe would probably be a hazardous waste because it contains 2, 4-D. (See 40 CFR \_261.24, Table I, "D016.") EPA has, however, made special provisions in its regulations both for farmers disposing of waste pesticides on their own property and for management of properly emptied (i.e., rinsed) containers.

First, under \_261.51, a farmer disposing of waste pesticides from his own use at his farm (i.e., 2, 4-D rinsate) is not required to comply with the hazardous regulations provided he triple rinses each emptied pesticide container and disposes of the rinsate on his own farm (in a manner consistent with the disposal instructions on the pesticide label). This appears to be the procedure that Transbas is proposing for Landmaster, and as long as farmers allow these procedures, they would be excluded from further hazardous waste regulations.

Second, EPA has provided, in \_261.7(a)(1), that when a

container that otherwise holds hazardous waste is properly emptied, the container is no longer subject to the hazardous waste regulations. For hazardous waste that are not designated  
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as "acute hazardous wastes," a container is empty of all wastes have been removed using practices commonly employed to

remove materials from that type of container (i.e., pouring), and no more than one inch of residue remains in the container. (See 261.7(b)(1).)\* The procedure Transbas is proposing for Landmaster, (i.e., triple rinsing), appears to ensure that the containers would in fact be properly emptied, and as such, they can be returned to Transbas without complying with the hazardous waste manifest or any other hazardous waste regulations. You should note, however, that if Transbas (or any other party) subsequently cleans the containers, the rinsate may be hazardous waste. The party cleaning the drums must make that determination, and if the rinsate is hazardous, must comply with 40 CFR Parts 260-268, 270, and the notification requirements of RCRA Section 3010, as applicable.

Sincerely,

J. Winston Porter  
Assistant Administrator

\* In the case of acute hazardous waste, the container is considered empty under more stringent criteria. See 261.7(b)(3).

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