

9522.1986(01)

Mr. Ronald D. Conte
Operations Coordinator
Petroswill Chemicals, Inc.
2523 Hogadore Road
Akron, Ohio 44312

Dear Mr. Conte:

I am responding to your letter of June 27, 1986, which requested clarification of the definition of several terms in 40 CFR 270.2.

The terms "holding" and "temporary period" are not explicitly defined in the RCRA regulations. Holding in context of these regulations means containment. Storage, as defined in RCRA means "the containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste." The term disposal (the opposite of storage or containment) is defined in RCRA (and in the RCRA regulations) as "the discharge,...leaking, or placing of any waste into or on any land...so that such...waste...may enter the environment." The types of "holding" devices (i.e., containers, tanks, surface impoundments, and waste piles) are defined in the regulations.

The term "temporary period", although not explicitly defined, is indirectly limited in the regulations by the closure plan and financial responsibility requirements. These require the facility owner/operator to specify up front the operating period (closure time) and the maximum amount of waste in storage at any time and at closure. This defines the extent of the "temporary period" and storage activity. At closure, the waste must be removed from all storage units.

All hazardous waste storage units, including storage units at recycling facilities, are regulated by the RCRA rules unless exempted in Part 261, 264, or 265. Items associated with storage units that are used to transfer hazardous waste, such as pipes, funnels or hoses, are regulated as part of the storage unit.

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I understand that you recently met with staff in EPA's Region V to discuss these definitions as well as the applicability of the requirements in 40 CFR Parts 264, 265 and 270 to your facility. Since implementation of our regulations is the responsibility of our Regional offices I urge you to continue working with Region V. However, if you need additional help please feel free to contact me.

Sincerely,

Marcia Williams, Director
Office of Solid Waste

cc: Y.J. Kim, Region V
Lisa Pierard, Region V

RO 12518