

9442.1995(04)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

May 25, 1995

Priscilla F. Adler
DEMETRIOU, DEL GUERCIO, SPRINGER & MOYER
801 South Grand Avenue, 10th Floor.
Los Angeles, California 90017-4613

Dear Ms. Adler:

I am writing in response to your May 10, 1995 request for an interpretation of 40 CFR 261.32 with respect to the scope of EPA Hazardous Waste No. K052 ("tank bottoms (leaded) from the petroleum industry"). Specifically, you inquired whether or not tank bottoms removed from tanks containing only naphtha would be deemed to be K052 hazardous wastes.

The scope of the K052 hazardous waste listing is limited to only those tank bottoms generated at or as part of a petroleum refinery from tanks employed in the storage of leaded gasoline or leaded blending fractions. These tank bottoms are covered by the K052 hazardous waste listing even if they do not exhibit any other characteristic of a hazardous waste.

Naphtha is an unleaded petroleum fraction isolated for blending or production of other blending stocks. The tank bottoms from only naphtha storage at a refinery would not be a listed hazardous waste under 40 CFR 261.31, and would not otherwise be subject to regulation as a hazardous waste unless they exhibited one of the characteristics of a hazardous waste, as provided for in 40 CFR 261.21 - 261.24.

Please note that under section 3006 of RCRA, individual states can be authorized to administer and enforce their own hazardous waste programs in lieu of the Federal program. In addition, section 3009 of RCRA allows states to promulgate regulatory requirements that are more stringent than the Federal program. Therefore, you should contact the appropriate state environmental agency in your state for other applicable laws and regulations that may exist.

RO 11941

If you have any further questions, please contact John Austin at (202) 260-4789.

Sincerely,

Michael Shapiro, Director
Office of Solid Waste

Attachment

DEMETRIOU, DEL GUERCIO, SPRINGER & MOYER
Attorneys at Law
801 South Grand Avenue, 10th Floor
Los Angeles, California 90017-4613

May 10, 1995

Mr. Michael Shapiro
Director, Office of Solid Waste
U.S. Environmental Protection Agency
401 M Street, Room 2101
Washington, D.C. 20460

Re: Request for Rule Interpretation

Dear Mr. Shapiro:

We are herewith requesting that the U.S. Environmental Protection Agency (the "EPA") provide to us a written interpretation of 40 CFR 261.32 with respect to the scope of the EPA Hazardous Waste No.K052 ("tank bottoms (leaded) from the petroleum industry.") Specifically, are tank bottoms removed from tanks containing naphtha deemed to be K052 hazardous wastes, if the tanks have never held leaded gasoline?

Doug of the EPA RCRA Hotline informed me on May 9, 1995 that, pursuant to a February, 1994 oral interpretation by the EPA, K052 refers only to tank bottoms from tanks that have held leaded gasoline. We are seeking a written rule interpretation so that we may properly advise our clients of any federal requirements applicable to the disposal of naphtha tank bottoms.

Please telephone me if you have any questions.

Sincerely,

Priscilla F. Adler

PFA:mhs

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