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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

SEP 20 1991

Thomas McCarley
Hazardous Technical Information Services
Directorate of Technical Operations
Defense Logistics Agency
Defense General Supply Center
Richmond, Virginia 23297-5000

Dear Mr. McCarley:

This letter is in response to a July 24, 1991 inquiry from Mr. Allen J. Osborne of your office about the treatment of hazardous wastes by large quantity generators under the Resource Conservation and Recovery Act (RCRA).

Mr. Osborne cited a March 24, 1986 Federal Register notice (51 FR 10168) which promulgated final regulations for generators of between 100 and 1000 kilograms of hazardous waste per month (small quantity generators). In that notice, the Environmental Protection Agency (EPA) stated that generators could treat hazardous wastes on-site in accumulation tanks or containers without a RCRA permit if the treatment were in conformance with the requirements of 40 CFR Part 262.34 (accumulation time), and with Subparts I and J of 40 CFR Part 265 (standards for containers and tank systems). Mr. Osborne apparently desired clarification that large quantity generators were included in this statement. He also asked which kinds of hazardous wastes could be treated by different categories of generators.

The Agency has not restricted treatment of any hazardous waste to large or small quantity generators. However, all generators who choose to treat their wastes in accumulation tanks or containers must comply strictly with the requirements of 40 CFR Part 262.34 and with Subparts I and J of 40 CFR Part 265. For example, the tank or container in which the treatment occurs must be marked with the date the accumulation period began. The tank or container must be completely emptied every 90 days (or every 180 or 270 days for small quantity generators). If these requirements are met, no RCRA permit is required for large or small quantity generators. Treatment other than that conducted in tanks or containers (e.g., incineration, land treatment, or treatment in surface impoundments) would continue to require a permit.

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In addition, 40 CFR Part 268.7(a)(4) states that generators who treat wastes in accumulation tanks or containers to meet applicable land disposal restrictions (LDRs) must prepare a waste analysis plan. Treatment of hazardous waste must also not violate the dilution prohibition standards of 40 CFR 268.3.

The interpretation in this letter reflects the Federal regulations governing hazardous waste. States with authorized RCRA programs may impose more stringent requirements.

I hope this letter has addressed your concerns. If you have any further questions, please contact Mitch Kidwell of my staff at (202) 260-8551.

Sincerely,

Sylvia K. Lowrance
Director
Office of Solid Waste

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