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United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

July 28, 1993

Mr. Kevin Igli
Chemical Waste Management, Inc.
3001 Butterfield Road
Oak Brook, Illinois 60821

Dear Mr. Igli:

You requested a clarification of whether the triple-rinsing requirement found at 40 CFR 261.7(a)(3) applies to containers holding residues from the incineration of acute hazardous wastes. You argue that the triple rinsing requirement should not apply to these residues because incineration eliminates the hazardous constituents in the acute hazardous wastes.

The triple rinsing requirement (40 CFR 261.7 (a)(3)) does apply to containers holding residues from the incineration of acute hazardous waste. EPA does not agree that residue from acute hazardous (e.g., P-listed waste) can be reclassified as other than P-listed waste under the current Resource Conservation and Recovery Act (RCRA) hazardous waste regulations. Our general policy is that a waste's code designation carries through to residuals from treating or otherwise managing that waste.

As you are aware, the hazardous waste regulations allow the use of an alternative cleaning method in place of triple-rinsing. The regulations in 40 CFR 261.7(b)(3) describe the conditions under which a container that has held acute hazardous waste (e.g., P-listed waste) becomes empty. If "the container or inner liner has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal", then the container is empty (40 CFR 261.7(b)(3)(ii)). EPA requires no formal approval process if an alternative cleaning method is used to empty the container, and no variance is necessary under the federal regulations when using alternative cleaning methods pursuant to 40 CFR 261.7 (b)(3)(ii).

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We would suggest that if you do use an alternate cleaning method, you document the method used and keep this record as part of your facility's operating record.

Please note that under Section 3006 of RCRA (42 U.S.C. Section 6926) individual States can be authorized to administer and enforce their own hazardous waste programs in lieu of the federal program. When States are not authorized to administer their own program, the appropriate EPA Region administers the program and is the appropriate contact for any case-specific determinations. Please also note that under Section 3009 of RCRA (42 U.S.C. Section 6926) States retain authority to promulgate regulatory requirements that are more stringent than federal regulatory requirements. If you have questions specific to a particular site, contact the appropriate State or EPA Regional office.

If you have further questions, please contact Allen Maples of my staff at (202) 260-8551. Thank you for your interest in the safe management of hazardous waste.

Sincerely,
Jeffery D. Denit,
Acting Director,
Office of Solid Waste