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

OFFICE OF
LAND AND EMERGENCY
MANAGEMENT

Date: 11.19.2021

COVERSHEET: EXPLANATION OF CITATION AND/OR TERMINOLOGY CHANGES IN THIS POLICY DOCUMENT

This policy document remains wholly in effect, but some or all of the regulatory citations within it have changed. These changes do not alter the existing regulatory interpretations.

As part of the 2016 Hazardous Waste Generator Improvements Rule, many of the regulations that apply to hazardous waste generators were moved to, or reorganized within, title 40 of the Code of Federal Regulations (CFR) part 262. To view a crosswalk between the old and new citations, please visit the Hazardous Waste Generator Regulations Crosswalk webpage.

The Hazardous Waste Generator Improvements Rule also made changes to terms that may be included in this document. The most common term change was replacing "conditionally exempt small quantity generators" (CESQGs) with "very small quantity generators" (VSQGs). In addition, EPA defined the term "central accumulation area" (CAA) to mean a generator's 90- or 180-day accumulation area for hazardous waste.

Jessica Young

Jessica Young
Chief of the Recycling and Generator Branch
Office of Resource Conservation and Recovery

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
Office of Solid Waste and Emergency Response

May 9, 1994

Mr. Scott Mauro
Navy Facilities Engineering
Service Center Code 423
560 Center Drive
Port Hueneme, CA 93043-4328

Dear Mr. Mauro:

Thank you for your letter of January 18, 1994, requesting information about regulatory requirements for on-site treatment of Oxygen Breathing Apparatus (OBA) canisters. Please note that this reply only concerns the federal hazardous waste regulations under the Resource Conservation and Recovery Act (RCRA). The state in which the unit is being operated may have additional requirements. Also, we are not providing information with respect to air or water requirements under other environmental statutes; we can only discuss hazardous waste regulations.

As I understand the process you are researching, used OBA canisters are inserted into an OBA rinsing unit, where they are punctured to remove the oxygen candle and to allow wash water to enter the canister. The canisters are flooded with wash water which, when spent, is pumped into a holding tank for treatment. The canisters are then rinsed and the rinsewater is reused. The rinsed cans are to be recycled as scrap metal, and the water treated in a large holding tank and discharged into the sewer.

Both the hazardous wastes which may be contained in the used OBA canisters and the water resulting from washing and rinsing activities may be subject to RCRA regulation. I will discuss the regulatory status of the used OBA canisters and the water resulting from cleaning the canisters separately.

OBA Canisters

Based on the information accompanying your letter, both the

spent OBA canisters and/or component parts are likely to exhibit at least one characteristic of a hazardous waste, (e.g., D001-ignitability) as defined in 40 CFR 261 Subpart C. Compliance with the hazardous waste generator standards found at 40 CFR Part 262 is necessary for persons, who, by site, generate more than 100 kilograms of hazardous waste per calendar month.

Generators may accumulate wastes on-site without a permit for 90 days or less before shipping the waste off-site to interim status or permitted hazardous waste management or recycling facilities, as long as they comply with the applicable requirements of 40 CFR Section 262.34. These requirements stipulate that the waste must be held in containers or tanks, and that the interim status requirements for containers and tanks be met (Section 265, Subparts I and J), as well as certain other requirements as outlined in §262.34.

In your case, the process of emptying the canisters could be considered part of a recycling process (i.e., scrap steel recycling). Recycling activities are exempt from RCRA regulation under 40 CFR 261.6(c) (except as specified in 40 CFR 261.6(d)). Also, if the canisters are to be recycled, the canisters themselves would be exempt from RCRA regulation under 40 CFR 261.6(a)(3)(iv). A determination of ignitability or any other characteristic would not be relevant if you are recycling the steel canister. If all of the materials generated by this process are being discarded (including the cans), then the process is not recycling, and may require a RCRA permit. Any liquids or contained gases removed from OBA canisters (or otherwise generated during the recycling process) may be subject to regulation as hazardous wastes if they are listed in Subpart D of 40 CFR Part 261 or if they exhibit any characteristics of hazardous waste as described in Subpart C of 40 CFR Part 261.

To dispose of a canister as non-hazardous waste (rather than recycle it), a generator would have to determine that the can is empty under 40 CFR 261.7 (or that the product it contained was not hazardous), and that the can itself is not hazardous. If a canister is to be disposed, and either contains hazardous waste or is a hazardous waste, it must be managed under all applicable regulations. In addition, the process of puncturing and rinsing the canisters could no longer be considered exempt recycling, and might require a RCRA permit (as described above).

Other Wastes from Processing the Canisters

Any wastes generated by the recycling process (e.g., sludges, wastewater, unwanted parts/pieces) would need to be evaluated separately to determine whether they are hazardous under RCRA. If hazardous, the requirements of 40 CFR part 262 apply with respect to these new wastes (e.g., storage in tanks or containers, and 90-day accumulation limits, etc.).

In the case where this newly-generated waste is a wastewater, EPA exempts tanks from permitting requirements under the wastewater treatment unit exemption in 264.1(g)(6) and 270.1(c)(2)(v). The definition of "wastewater treatment unit" consists of three parts enumerated at 40 CFR Section 260.10. First, the unit must meet the definition of "tank" or "tank system" also found in Section 260.10. Second, the tank must be receiving, treating, or storing hazardous wastewater. Finally, the facility must be subject to Sections 307(b) or 402 of the Clean Water Act; this includes wastewater treatment units at facilities that (1) discharge treated wastewater effluent into surface waters or into a Publicly-owned Treatment Works (POTW) sewer system, or (2) produce no treated wastewater effluent as a direct result of such requirements.

Please be aware that this letter addresses only the federal hazardous waste regulations. Authorized State agencies implement the RCRA program in their states (although some parts of the program may be implemented by the U.S. EPA Regions), and that state regulations may be more stringent than the federal regulations. You should contact the appropriate state environmental agency or U.S. EPA Regional Office to determine how the regulations of that particular state will apply to your activities.

If you have questions about this letter, please contact Ann Codrington of my office at (202)260-8551.

Sincerely,

David Bussard, Director
Characterization and Assessment Division

Attachment

Department of the Navy
Naval Facilities Engineering Service Center
500 Center Drive
Port Hueneme, CA 93043-4328

January 18, 1994

Mr. Michael Shapiro
OS-300 USEPA
Director of the Office of Solid Waste
401 M Street S.W.
Washington, D.C. 20460

Dear Mr. Shapiro,

I am writing this letter to request that the EPA evaluate and provide the Naval Facilities Engineering Service Center (NFESC) with all regulatory requirements that apply concerning the introduction of a hazardous waste treatment technology. The proposed technology will reduce the amount of hazardous waste associated with Oxygen Breathing Apparatus (OBA) canister usage. The OBA canisters is used by fire fighters and is designed to generate oxygen via a chemical reaction. NFESC is currently developing a technology for treating spent and partially spent OBA canisters at the Naval Station in Norfolk, Virginia, and Mayport, Florida. The feasibility of implementing this technology hinges on the regulations and permitting that will be required.

Enclosed is a report summarizing the proposed technology for the on-site treatment process and a copy of the OBA canister MSDS. In addition, I have enclosed a copy of the Certificate of Analysis showing the constituents present in the triple rinse of the OBA canister.

Currently, there is no other technology or source reduction measures available for used OBA canisters. Development and implementation of a non-hazardous breathing apparatus is over five years away. As an interim measure, NFESC offers a technology for reducing the hazardous waste associated with OBA canisters.

The Department of the Navy is evaluating this proposal in order to

reduce our hazardous waste volume. Our primary concerns are safety, compliance with all local, state and federal regulations, and protection of the environment. I would greatly appreciate your assistance to review the literature and comment on the regulatory requirements, if any, that would be required to implement this technology.

If you have any additional questions or require further information, please contact Mr. Scott Mauro at (805) 982-4889. Please address your response to:

Scott Mauro
NFESC Code 423
560 Center Drive
Port Hueneme, CA 93043-4328

Thank you for you assistance.

Sincerely,

Gary S. Gasperino
Division Head, Pollution Prevention Division
By direction of the Commanding Officer