

9441.1983(10)

CONTAINERS, TRIPLE RINSING OF EMPTY

December 13, 1983

Mr. William R. Shocklee
President
Tri-Rinse, Inc.
P.O. Box 15150
St. Louis, Missouri 63110

Dear Mr. Shocklee:

Thank you very much for the information you forwarded on the TRI-RINSE process. It does appear that if properly operated this process is capable of meeting the requirements of the RCRA regulations for those instances where triple rinsing is required. However, you should check with the appropriate State or EPA Regional office for any specific explication to assure that all regulatory requirements are met. This is covered in our definition of empty containers in 40 CFR 261.7.

The referenced regulation, in dealing with empty containers, divides containers into two groups: those which formerly contained acutely hazardous wastes, and all others. For the latter group, there is no specific requirement for rinsing; the regulation merely requires that the waste be removed in its normal manner, whatever that is--pouring, pumping, aspirating--and that no more than 2.5 centimeters (one inch) of residue remain (in order for the container to be considered "empty"). However, for containers that formerly held acutely hazardous wastes, triple rinsing (or its demonstrated equivalent) is required (see 40 CFR 261.7(b) (3)). The regulation further states that a suitable solvent, for the particular material, must be used. Your process and equipment appear to be capable of meeting this requirement.

When we proposed and then issued this regulation, we indicated that such emptying, or triple rinsing, did not constitute treatment, and thus, a permit is not required. Since the solvent might vary according to the former contents of the containers, a priori approval of a specific solvent/process is not possible. Your equipment, if the correct solvent is used,

would not accomplish triple rinsing. As stated in the regulations, whatever residue remains in the "empty" container is no longer considered to be a hazardous waste.

This interpretation applies in those States where the Environmental Protection Agency (EPA) is implementing the RCRA program. As you know, RCRA is intended to be a State-operated program; where the State has been granted the authority by EPA, it is the State's regulations that apply, in lieu of the Federal program. Also, State rules may be more stringent than the Federal rules. Therefore, you should check with each State within which you expect to market your process to determine its position with regard to triple rinsing and empty containers.

I hope this has been of some help. If you have further questions please call me or Alan Corson, of my staff, at 202/382-4770.

Sincerely yours,

John H. Skinner
Director
Office of Solid Waste