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APR 26 1984

MEMORANDUM

SUBJECT: Permit Policy for Decanning and Crushing Operations

FROM: John H. Skinner, Director  
Office of Solid Waste

TO: James H. Scarbrough, Chief  
Residuals Management Branch, Region IV

This memorandum is in response to your April 5, 1984, request for a headquarters policy interpretation on permitting of hazardous waste decanning and crushing operations.

Based on our understanding of the process at Shulton, Inc., the toiletry crushing operation clearly meets the definition of "treatment" as specified in §264.10. It is therefore subject to permitting under Parts 264 and 270. We have based our conclusion on the following:

- a) The addition of wastewater in the crushing operation serves to reduce the potential for fires and explosions, and also dilutes the alcohol to a non-hazardous state. This is consistent with the treatment definition, which extends to any "process...designed to change the physical, chemical or biological character or composition of any hazardous waste...so as to render such waste non-hazardous, or less hazardous, or safer to transport, store or dispose of..." That the water may serve other purposes, such as keeping the gears of the mechanism clean and cleaning the container residuals, does not alter the fact that treatment of the hazardous wastes is taking place. We also would disagree with your suggestion that the use of the washwater is "incidental" (and thus does not constitute treatment) by virtue of the fact that washwaters are used in other similar crushing operations that do not involve hazardous wastes.
- b) The memorandum of April 2, 1981, which dealt with a liquid Silvex decanning operation, was not intended to

be interpreted as applying to all decanning and crushing operations. The Silvex decanning process in question was designed simply to aggregate the wastes into larger containers. The wastes were not rendered non-hazardous or less hazardous, and any change in the wastes' characteristics (such as a possible change in concentration) was in this instance truly incidental. Changes in a waste's characteristics cannot be presumed to be incidental simply because they occur in a crushing or decanning process.

Please let me know if you have any further questions on this issue.

cc: B. Weddle  
A. Lindsey  
P. Guerrero  
T. Grogan  
E. Costworth  
A. Corson