

9441.1986(02)

EMPTY CONTAINER RULE APPLIED TO TANKER OR VACUUM TRUCKS

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

JAN 7 1986

Mr. John L. Cherill  
Corning Manufacturing & Engineering Division  
Corning Glass Works  
Corning, New York 14831

Dear Mr. Cherill:

This letter confirms our discussion and your letter of late November with regard to Corning's use of a vacuum truck to filter the dust and the regulatory status of the "empty" truck.

While the RCRA regulations are not specific in this regard, you are correct in your assessment that the definition of "empty", as applied to containers in 40 CFR 262.7, is also applicable to other situations, such as your truck. Generally, we have supplied the interpretation that the empty container definition may be applied to tanker vehicles as well as to containers. Thus, if you have emptied your vacuum truck by means normally used for such vehicles, the vehicle is considered "empty" if no more than one inch of material remains, or an equivalent volume (as defined in 40 CFR 261.1).

You should be aware that RCRA is intended to be implemented by the States. When a State has been authorized to conduct the hazardous waste management program in that State, their rules prevail in lieu of the federal standards. You should check with the appropriate State office in the jurisdictions of concern to you for their interpretation of the regulatory status of your operations. The interpretation given above is only pertinent to those States where federal regulations prevail.

If you have any further questions or need additional help in the RCRA regulations please call our hotline at 800-424-9346. I can be reached at 202/382/4770.

Sincerely,

Alan S. Corson  
Branch Chief

RO 12534