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ON-SITE RECYCLING OF SPENT SOLVENTS BY GENERATORS

March 13, 1986

Mr. George D. Culotta
Vice President-Sales
Progressive Recovery, Inc.
1020 North Main Street
Columbia, Illinois 62236

Dear Mr. Culotta:

This is in response to your letter of February 21, 1986, in which you requested that we review your interpretation of the applicable regulations for in-house liquid solvent recovery units. In addition, you asked for the Environmental Protection Agency's position regarding recycling of spent solvents by generators.

The spent solvents that you described in your example are RCRA hazardous wastes. F001 through F005 are listed hazardous wastes (40 CFR 261.3) and D001 exhibits a hazardous characteristic (40 CFR 261.21). As a result, the storage, treatment, and disposal of these and other hazardous wastes are regulated under Subtitle C of RCRA. However, exemptions from general permitting regulations are provided for certain types of tanks, small quantity generators and operational units reclaiming or recycling hazardous wastes. In your example, no Subtitle C treatment permit is required under Federal regulations for in-house solvent recovery equipment as long as the wastes meet the definition of a recyclable material, and owners or operators of treatment facilities are in compliance with 40 CFR 261.6 requirements.

As part of 40 CFR 261.6 regulation, operational units are exempted from permitting regulations when those operations involve recycling of hazardous wastes. However, there is no exemption for certain recycling practices constituting disposal. Additionally, the storage, transport and generation that precedes this activity are regulated without any special considerations for recycling activities. In your spent solvents example the wastes meet the definition of a recyclable material. If the in-

house solvent recovery equipment are in compliance with 40 CFR 261.6 requirements, no RCRA Subtitle C treatment permit is required for the activities of recycling these particular hazardous wastes.

Although storage is subject to regulation as described in the previous paragraph some general exemptions from the storage regulations exist. These exemptions apply when the wastes are either accumulated on-site less than 90 days as stated in the 40 CFR 262.34 requirements, or are accumulated on-site up to 180 days by small quantity hazardous waste generators (less than 1,000 kg per month) as stated in the 40 CFR 261.5 requirements.

I also would like to emphasize that the proposed rule for small quantity hazardous waste generators is scheduled to be promulgated later this month. Although changes might occur in the final rule, the proposed rule for small quantity hazardous waste generators would exempt generators that store wastes for 180 days if they do not accumulate more than 6,000 kg of hazardous wastes during that period. In addition, the August 1, 1985, proposal (50 FR 31304 and 31305) would allow accumulation for 270 days if the waste is being shipped 200 miles or more for off-site treatment, storage, and disposal. I would suggest that you also contact the State authorities of your clients because States may regulate recyclable materials in a different manner.

I also am enclosing the January 4, 1985, final rule defining a solid waste (40 FR 14 through 668), as well as the August 20, 1985, technical corrections to this rule (50 FR 33541 through 33544). These notices provide detailed information on our rationale in defining a solid waste. If you have additional questions, please contact Matt Straus, Chief, Waste Identification Branch, at (202) 475-8551.

Finally, I would like to point out that the Hazardous and Solid Waste Amendments of 1984 established as national policy the minimization of hazardous wastes. It is EPA's policy to encourage environmentally sound techniques that reduce the volume or quantity and toxicity of hazardous wastes generated. The recycling of spent solvents is one of the most frequently used practices for volume reduction. We believe that properly designed and operated solvent recovery can provide effective reduction in the volumes of solvents requiring disposal as hazardous wastes.

Sincerely,

Marcia B. Williams
Director
Office of Solid Waste

Enclosure