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RCRA/Superfund/OUST Hotline Monthly Report Question

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4. Generation and Recycling

A generator (100-1000 kg/mo) uses a solvent cleaning unit similar to a Safe-T-Kleen parts washer at his plant. When the solvents (mineral spirits) become too contaminated for further use, an employee removes the drum of spent solvent of the plant's 180-day accumulation area. At some point, the drum is placed in a small distillation unit on-site to reclaim the solvents. After reclamation, the solvent is reused and the distillation bottoms are placed in a 55 gallon drum. How is the accumulation of the still bottoms regulated?

The Agency interprets recycling as a form of treatment, although as §261.6(c)(1) states, "the recycling is exempt from regulation." Accordingly, a recycling facility is viewed much the same as other types of hazardous waste treatment, storage or disposal facilities, in that wastes generated by the facility must be managed in compliance with the Part 262 generator standards. As explained in the December 31, 1980 Federal Register (45 FR 86989), "Owners and operators of hazardous waste management facilities may generate hazardous waste (i.e., residues created by treatment processes). With respect to the hazardous waste that these persons generate, they, like other generators, must comply with the applicable provisions of Part 262."

Carrying this logic one step further, a generator who treats his waste on-site may consider the treatment activity another distinct point of generation. Applying this to the scenario under discussion, the generator may accumulate his spent mineral spirit before reclamation without need of a permit, in accordance with §262.34. Since the spent mineral spirits are accumulated prior to reclamation, the volume of non-reclaimed solvents is counted in the generator's monthly hazardous waste generation rate (see 51 FR 10153, §261.5(c)). As was explained earlier, the solvent reclamation unit is regarded as a separate point of generation. Consequently, the generator may accumulate the recycling residues (still bottoms) in accordance with §262.34. The still bottoms may

be accumulated in a quantity not to exceed 55 gallons in a container at or near the distillation unit without becoming subject to regulation, pursuant to the §262.34(c)(1) satellite accumulation standards. After accumulating over 55 gallons of the still bottoms at the "satellite accumulation area" the generator will have 3 days to remove any amount over 55 gallons to a generator accumulation area, where the waste may be stored without a permit (per §264.1(g)(3)) for 180 days before he must ship the waste off-site. In addition, the generator need not include the volume of still bottoms produced in his monthly generation rate determination, so long as the original spent mineral spirits have already been counted once per §261.5(d)(2).