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RCRA / SUPERFUND HOTLINE MONTHLY SUMMARY

APRIL 87

1. Storage Prior to Recycling

According to the hazardous waste recycling regulations promulgated as part of the January 4, 1985 rule (50 FR 614), owners or operators of facilities that recycle materials without prior storage are subject only to Section 3010 notification requirements and _265.17 and _265.72 manifest regulations per _261.6(c)(2). Do the two following recycling operations involving storage prior to recycling?

(a) Truck drivers with bulk shipments or drums of spent solvent pour the solvent into a receiving bin at a recycling facility. The receiving bin is directly hard-piped to the distillation unit, such that the receiving bin feeds the distillations unit. When the distiller is non-operational (at night), some waste solvents may remain in the feed tank.

(b) As in the first situation, bulk shipments or drums of spent solvent are poured into a receiving device at a second recycling facility. The receiving device is essentially a tank with a pump in the bottom which is connected to a large tube that directly feeds into the distillation unit. The pump is in operation whenever there is waste in the tank. Therefore, the tank never contains solvent when the distillation unit is not in operation.

(a) Although there is no time for storage, the two recycling facilities are fundamentally different. The first recycler uses the receiving bin to store wastes when the distillation unit is not operating. Per _261.6(c)(1), he is subject to the storage standards.

(b) In the case of the second recycler, he does not use the receiving bin for storage. His receiving bin is more clearly used only for conveyance, not storage. The bin is more directly tied to the operation of the recycling unit and indeed, could be viewed as part of the

recycling unit. Hence, the second recycler would only be subject to _261.6(c)(2) (i.e., getting an EPA ID number and complying with the manifest standards.)

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