

9432.1988(04)

AEROSOL CANS, ON-SITE DEPRESSURIZATION OF
OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE
SEP 1988

Kurt E. Whitman, Project Coordinator
SWInc.
P.O. Box B
Saukville, WI 53080

Dear Mr. Whitman:

This is in response to your July 1, 1988 letter requesting clarification on EPA's current interpretation on whether the depressurization of aerosol cans on-site would be considered treatment, requiring a RCRA permit. You also requested pertinent information on Ril #43 and on whether or not it has been rescinded. I am enclosing per your request a copy of Ril 43 and the 1985 memorandum which I believe is the one you are requesting.

You revealed in a July 26, 1988 telephone conversation with Doreen Sterling of my staff that your main interest in this issue was to determine the requirements for disposal of a wide variety of aerosol cans located at a number of Department of Defense facilities throughout the country.

The Agency is aware that conflicting interpretations have been given by the EPA Regional Offices, EPA Office of Solid Waste, and the RCRA Hotline regarding whether certain aerosol can disposal methods constitute treatment and whether or not a permit is required for this activity. The Agency is currently evaluating this problem and may decide to issue more specific guidance in the future if it is warranted. It is our policy, however, to refer issues of this nature to the Region in which the facility is located since they are normally best able to make a case-by-case determination on whether: (1) the waste in question is hazardous according to our regulations and (2) treatment is occurring.

According to our regulations, cans are hazardous if: (1) they contain a commercial chemical product on the 40 CFR 261.33(e) or (f) lists or exhibit one or more of the hazardous waste characteristics, and are not empty as defined under Sec. 261.7; and/or (2) they exhibit any of the characteristics of hazardous waste identified in Part 261, Subpart C.

Treatment, as defined in 40 CFR 260.10, means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

It should be noted that if any of the aerosol cans are included as part of household waste (i.e., from military housing), those cans are exempt from RCRA Subtitle under Section 261.4(b)(1).

If you have any further questions, you may contact Doreen Sterling of my staff at 202-475-6775.

Sincerely

Original Document signed

Sylvia K Lowrance, Director
Office of Solid Waste

Enclosures