

9441.1989(54)

RCRA/SUPERFUND HOTLINE SUMMARY

OCTOBER 1989

2. Manufacturing Process Unit

An owner/operator of a military facility manufacturing explosives is in the process of cleaning out his manufacturing units (tanks). They are cleaned by rinsing and then by flashing or torching the inside of the unit. Is this tank required to be permitted under RCRA as a treatment tank, i.e., is this activity classified as open burning/open detonation?

This tank is classified as a manufacturing process unit and therefore is not subject to RCRA regulation. Because it is not a hazardous waste storage tank, it will not be regulated under the Subpart J standards of 40 CFR Parts 264 and 265. The waste inside a manufacturing process unit is not regulated until it exists the unit or until it remains in the unit (which has ceased operation) longer than 90 days, per 40 CFR Section 261.4(c). In this case, once the waste is removed by rinsing, it should be handled according to RCRA Subtitle C regulations, if it is hazardous waste.

The subsequent activity of cleaning out the manufacturing process unit by torching is not regulated under RCRA, if it takes place promptly. Once the unit ceases operation, the removal of residues must occur before 90 days are up; otherwise, removal could be regulated. Also, regardless of timing, if the operator removes any residues from the tank after burning, the residues may be subject to regulation if they are hazardous per RCRA Subtitle C.

Source: Ed Abrams (202)382-4787

Research: Mary Stevens