

9442.1993(01)

DISCARDED OFF-GAS PIPING EQUIPMENT, AND OFF-GAS SCRUBBER SOLUTION
FROM A TANK SYSTEM

United States Environmental Protection Agency
Washington, D.C. 20460
Office of Solid Waste and Emergency Response

September 20, 1993

Lisa A. Matis
Halliburton NUS
Savannah River Center
900 Trail Ridge Road
Aiken, South Carolina 29803

Dear Ms. Matis:

I am writing in response to your letter of August 16, 1993 requesting clarification of the status of discarded off-gas piping, equipment, and off-gas scrubber solution from a tank system used for storage of a commercial chemical product listed in 40 CFR 261.33.

The off-gas scrubber solution is not considered to be the listed hazardous waste because the gas contained in the solution is derived from a product, not a waste. Therefore, the derived from rule is not applicable. However, when the off-gas scrubber solution is being discarded it is a solid waste and you must determine if it exhibits a characteristic. If so, the scrubber solution must be handled as a characteristic hazardous waste.

The liquid residuals removed from the tank are the listed commercial chemical product. However, if the container from which the residuals are removed is empty, the residuals are not subject to regulation under RCRA. The definition of "empty" differs based on whether the commercial chemical product is listed as a "P" (40 CFR 261.33 (P)) or "U" (40 CFR 261.33 (f)) waste; 40 CFR 261.7 discusses what constitutes an empty container for both wastes. In the case of a "U" waste, 40 CFR 261.7(b)(1) states that "the container is empty if all wastes have been removed using the practices commonly employed to remove materials from that type of container...and no more than 2.5 centimeters (one inch) of residue

remain on the bottom of the container or inner liner, or no more than 3% by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 110 gallons in size."

In the case of a "P" waste, 40 CFR 261.7(b)(3) states that a container or inner liner...is empty if the container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or the container has been cleaned by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal."

In the case of the liquid rinsate, if the material is rinsate from empty containers or from containers that are rendered empty by that rinsing, then by virtue of 40 CFR 261.3(a)(2)(iv)(D), the rinsate is not the listed hazardous waste.

If you have any questions, please call Wanda Levine of my staff at 202-260-7458.

Sincerely,
Jeffrey Denit
Acting Director
Office of Solid Waste