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1. Empty Containers Developing Pressure

A generator sends a hazardous waste gas to a treatment, storage, and disposal facility (TSDF) in a rail car. Upon arrival at the TSDF, the hazardous waste gas is removed from the rail car and the rail car is opened to the atmosphere. The rail car is rendered empty when the pressure in the car approaches atmospheric, as specified in 40 CFR Section 261.7(b)(2). The TSDF then seals the empty rail car and ships it back to the generator for refilling with hazardous waste. During transport back to the generator, the empty rail car is heated naturally by the sun and the remaining gaseous residue inside the rail car develops a pressure due to the heating. Does the pressurized residue in the rail car become subject to regulation as hazardous waste?

According to Section 261.7(b)(2), containers of pressurized gas are considered empty when they reach atmospheric pressure. The rail car described above was rendered empty at the TSDF, reached atmospheric pressure, and then, during transport back to the generator, experienced a rise in pressure as it was heated by the sun. It is not EPA's intent to regulate containers in such situations where an incidental rise in pressure occurs resulting from ambient environmental conditions. In this specific rail-car scenario, the "empty" status of the rail car does not change due to the heating from the sun.