

2. Manufacturing Process Units as Solid Waste Management Units

RCRA Section 3004(u) requires corrective action for all releases of hazardous waste or hazardous constituents from solid waste management units (SWMUs) at hazardous waste facilities seeking a permit. Under 40 CFR Section 261.4(c), hazardous wastes generated in a manufacturing process unit are not regulated under Subtitle C until the waste exits the unit in which it is generated, or the hazardous waste remains in the unit for more than 90 days after the unit ceases to be operated. Are manufacturing process units holding a hazardous waste considered SWMUs for the purposes of corrective action under RCRA Section 3004(u)?

Manufacturing process units holding a hazardous waste are considered SWMUs for the purposes of corrective action. A SWMU is any discernible unit at which solid wastes have been placed at any time, irrespective of whether the unit was intended for the management of solid or hazardous waste (55 FR 30808; July 27, 1990). Manufacturing process units often hold materials which can be classified as solid wastes and potentially hazardous wastes (e.g., precipitated residues). Even though these materials are exempt from hazardous waste regulation under Section 261.4(c), they are still considered solid wastes, thereby rendering the manufacturing process unit a SWMU. However, EPA may exercise differing statutory authority to require cleanup at the facility.