

February 6, 1998

MEMORANDUM

SUBJECT: State of Utah Request Regarding Status of Hazardous Waste Management Units Located Within a Containment Building

FROM: Stephen F. Heare, Acting Director
Permits and State Programs Division (5303W)
Office of Solid Waste

TO: Wanda C. Taunton, Director
Hazardous Waste Programs (8P2-HW)
EPA Region VIII

This memorandum is in response to your request for assistance in answering a letter from the State of Utah, dated October 23, 1997, in which they ask questions regarding hazardous waste management. For the first question in Utah=s letter, a verbal response was provided. For the second question, regarding the status of hazardous waste management units located within a containment building, our response is provided below.

Utah=s letter describes a situation where tanks, containers, or other miscellaneous units used for treatment are located within a containment building (40 CFR part 264, subpart DD). The argument was made to Utah that these units located within the building are not subject to regulation, because treatment occurs within the containment building, a regulated unit Aequivalent@ to tanks or containers. Utah asks for the Agency=s interpretation as to whether equipment that performs treatment within a containment building can be ancillary equipment to the building or whether it should be regulated separately as a distinct unit.

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First, the Agency believes that although containment buildings are akin to tanks and containers in that they contain waste, regulation of the units located within the buildings is still necessary. Although containment buildings are similar in some respects to tanks and containers, certain wastes are best managed using tanks or containers rather than solely within the containment building, either because of the nature of the waste or the treatment process.

Second, hazardous waste management in containers, tanks, or other miscellaneous units is regulated under 40 CFR part 264/265, subparts I, J and X, respectively. Whether or not those units are located within a containment building does not change the regulatory status of those units. The preamble discussing containment buildings, 57 FR 37213, August 18, 1992, explains that in many cases, such treatment would be conducted in tanks or containers within such buildings, and the existing standards for tanks and containers would apply. For tanks and containers inside a containment building, however, the building can satisfy the containment/secondary containment requirements of part 264/265, subparts I and J, depending upon the building's design and operation.

Thank you for the opportunity to provide clarification regarding the regulatory status of waste management units located within other units. If you have any questions, please contact Jeff Gaines at (703) 308-8655.

cc: Sonya Sasseville, PSPD
Jim Michael, PSPD
Jeff Gaines, PSPD
Nina Rivera, OGC