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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

DECEMBER 86

1. Wastes Generated in Process Units

When, if ever, is waste which is generated in a Safety-Kleen parts washer regulated under RCRA?

In a May 1986 memorandum "Monthly Reports-RCRA/Superfund Industry Assistance Hotline Report for May 1986", EPA addressed the regulatory status of parts washers leased from the Safety-Kleen Corporation. At that time, the Agency viewed these parts washers as manufactured process units. Consequently, the wastes generated in the parts washers would be subject to the exclusion in §261.4(c) and thus would not be regulated unless removed from the unit or until they had remained in the unit more than 90 days after the unit ceased to be operated.

Since that time, the Agency has studied this issue further and has determined that Safety-Kleen parts washers cannot be viewed as manufacturing process units. It is the Agency's understanding that Safety-Kleen parts washers usually consist of some sort of cleaning apparatus attached to the top of a drum of solvent material. Solvent is drawn up into the cleaning apparatus for use and is discharged back into the drum afterward. Following a period of use, the solvent in the drum becomes too contaminated to clean effectively. Periodically, someone from Safety-Kleen exchanges a fresh cleaning unit for the spent unit, which he will then transport to a Safety-Kleen facility for recycling. In other situations, the cleaning apparatus is removed at the operator's site and placed atop a fresh drum of solvent. Frequently, an operator will accumulate several drums of spent solvent in this manner before the Safety-Kleen worker arrives to replace the spent solvent drums with fresh drums.

When the solvent can no longer be used effectively, it is classified as spent material. A spent material sent for reclamation is regulated as a solid waste under RCRA §261.2(c). Furthermore, if the waste is listed in Subpart D of Part 261 or exhibits any of the characteristics identified in Subpart C of

Part 261, then the waste is also regulated as hazardous waste under RCRA. Consequently, when the operator decides the solvent has become too contaminated for further use, it becomes regulated as hazardous waste. The operator will thus become a generator of hazardous waste when the cleaning apparatus is removed from the drum.

Source: Bob Axelrad (202) 475-8551
Matt Straus (202) 475-8551
Maureen Smith (202) 382-7703
Research: Kris Andersen