



Nonrule Policy Document

Indiana Department of Environmental Management
Office of Land Quality
100 North Senate Avenue
Indianapolis, IN 46204-2241
OLQ PH: (317) 232-8941

Title: Management of Hazardous Waste Residues Removed from Empty Containers

Identification Number: WASTE-0008-NPD

Date Originally Adopted: June 27, 1997

Dates Revised: None

Other Policies Repealed or Amended: None

Citations Affected: 40 CFR 261.7(a)(1)

Brief Description of Subject Matter: The Resource Conservation and Recovery Act (RCRA) hazardous waste rules provide an exemption within the regulations for residues of hazardous waste which remain in either an empty container or an inner liner removed from an empty container. (This exemption and the definition of what is to be considered an empty container are explained in 40 CFR 261.7.) It has come to the attention of the Indiana Department of Environmental Management (IDEM) that the rules neglect to specifically mention how these residues are to be managed upon their removal from an empty container or inner liner.

This nonrule policy document is intended solely as guidance and does not have the effect of law or represent formal Indiana Department of Environmental Management (IDEM) decisions or final actions. This nonrule policy document shall be used in conjunction with applicable laws. It does not replace applicable laws, and if it conflicts with these laws, the laws shall control. A revision to this nonrule policy document may be put into effect by IDEM once the revised nonrule policy document is made available for public inspection and copying. IDEM will submit revisions to the Indiana Register for publication.

MANAGEMENT OF HAZARDOUS WASTE RESIDUES REMOVED FROM EMPTY CONTAINERS

The Resource Conservation and Recovery Act (RCRA) hazardous waste rules provides an exemption within the regulations for residues of hazardous waste which remain in either an empty container or an inner liner removed from an empty container. (This exemption and the definition of what is to be considered an empty container are explained in 40 CFR 261.7.) It has come to the attention of the Indiana Department of Environmental Management (IDEM) that the rules neglect to specifically mention how these residues are to be managed upon their removal from an empty container or inner liner.

Management of Waste Generated from Empty Containers

Container cleaning facilities, and others who manage empty containers, are considered by the IDEM to be a generator of a new wastestream when removing residue from an empty container or inner liner. At the point of generation, the wastestream must be evaluated pursuant to 40 CFR 262.11 in order to determine if it exhibits any of the characteristics identified in 40 CFR 261 Subpart C. The waste should then be managed and disposed of accordingly, based upon the results of the hazardous waste

determination. (It should be noted that the mixture rule (40 CFR 261.3(a)(2)(iii) and (iv)) is inapplicable to any residues excluded from regulation by 40 CFR 261.7(a)(1), which are the only residues of concern in this guidance document.)

Because every facility is unique, some factors or situations concerning the management of residues removed from empty containers may not be addressed within this guidance document. If you need additional information, or have any questions or concerns, please contact staff in the Compliance Branch, Office of Land Quality at 317/234-6923. The IDEM toll-free telephone number is 1-800-451-6027.