

How To Treat Hazardous Waste Without a Permit

(and get away with it)

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Hazardous Waste Treatment Exemptions

- Elementary Neutralization Unit
- Totally Enclosed Treatment Facility
- Addition of Absorbent Material
- Immediate Response
- Wastewater Treatment Unit
- Treatment in 90/180/270-day units
- Recycling
- Burning small quantities in onsite units

“Treatment”

40 CFR 260.10

10 CSR 25-3.260 incorporates w/out modification

Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

- (1) Treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste
- (2) so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste nonhazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume

Examples of ways to change hazardous waste

Compaction

Washing

Stabilization

Use of
Emulsifiers
during Tank
Cleanout to
reduce
flammable
vapor levels

Shredding

Volatilization

Evaporation

Stripping

Decanting

Addition of
Water to
Dissolve
Packaging

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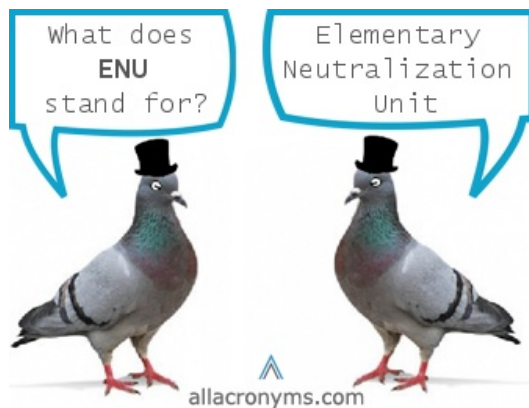
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Hazardous Waste Treatment Exemptions

- Elementary Neutralization Unit
40 CFR 264.1(g)(6), 265.1(c)(10), 270.1(c)(2)(v)
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Elementary neutralization units are tanks, tank systems, containers, transport vehicles, or vessels used for neutralizing wastes that **are hazardous only because they exhibit the corrosivity characteristic or because they are listed solely for the characteristic of corrosivity**

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Section 260.10

-exempt from RCRA permitting requirements

Sections 264.1(g)(6), 265.1(c)(10), and 270.1(c)(2)(v)

- wastes do not count toward monthly generator status

Section 261.5(c)(2)

Hazardous Waste Treatment Exemptions

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40 CFR 264.1(g)(5), 265.1(c)(9), 270.1(c)(2)(iv)
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Totally Enclosed Treatment Facility

a facility for the treatment of hazardous waste which **is directly connected to an industrial production process** and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized

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40 CFR 270.1(c)(2)(vii)
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40 CFR 270.1(c)(2)(vii)

Persons adding absorbent material to waste in a container (as defined in 40 CFR 260) and persons adding waste to absorbent material in a container, providing that these actions occur at the time **waste is first placed in the container;** and **264.17(b), 264.171, and 264.172** of this chapter are complied with.

40 CFR 270.1(c)(2)(vii)

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40 CFR 270.1(c)(3), 264.1(g), 265.1(c)(11)
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“Immediate Response” not defined but applies to the following situations:

- A discharge of hazardous waste
- An imminent and substantial threat of a discharge of hazardous waste
- A discharge of a material which, when discharged, becomes a hazardous waste
- An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device.

Also exempt from substantive management standards

40 CFR 264.1(g)(8)(i), 265.1(c)(11)

and Transportation Standards

RCRA Online 11363, 11370, 12016, 12758, 13574

Still Apply:

40 CFR 264 Subpart C – Preparedness and Prevention

Subpart D – Contingency Plan and Emergency Procedures

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40 CFR 264.1(g)(6), 265.1(c)(10), 270.1(c)(2)(v)

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Wastewater Treatment Units also exempt from:

-Tank standards of 40 CFR 264/265 Subpart J

-Air emission standards of Subparts AA-CC

-the generator, accumulation standards in 40 CFR 262.34 – “Hazardous Waste” marking or 90-day or 180- day accumulation start dates

Wastewater treatment unit

means a device which:

(1) Is part of a wastewater treatment facility that is **subject** to regulation under either section 402 or 307(b) of the Clean Water Act; and

(2) Receives and treats or stores an influent wastewater that is a hazardous waste as defined in §261.3 of this chapter, or that generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in §261.3 of this chapter, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in §261.3 of this Chapter; and

(3) Meets the definition of tank or tank system in 40 CFR 260.10 of this chapter.

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- **Treatment in 90/180/270-day units**
Various Federal Registers and RCRA Online docs
- Recycling
- Burning small quantities in onsite units

LQGs can treat hazardous waste in Containers, Tanks, and Containment Bldgs subject to 40 CFR 262.34 for 90/180/270-days or less

SQG can treat in Containment Bldgs too, if they agree to meet the 40 CFR 262.34(a) provisions, otherwise, only treat in Containers or Tanks

No drip pads allowed in Mo. – 10 CSR 25-5.262(2)(C)4

Exemption does not cover:

Treatment involving elevation of temperature (burning, detonation, evaporation) is subject to 40 CFR 264 Subpart X and 265 Subpart P

Evaporation from the container because it would violate 40 CFR 265.173(a) that requires containers to have lids except when adding or removing waste

Other Requirements:

Waste must be generated onsite

If treating in multiple vessels, clock does not restart with each vessel

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- **Recycling and Partial Recycling**
40 CFR 261.6c&d
- Burning small quantities in onsite units

Although recycling is exempt from permitting...

Hazardous waste shipped to the recycling facility is still regulated and must be manifested.

Storage of hazardous waste at the recycling facility is a RCRA permitted activity.

Air emissions *MAY* or *MAY NOT* still be regulated in 40 264/265 Subpart AA and BB.

PROBABLY subject to 10 CSR 25-9.010 Resource Recovery Regs

Recycling that is NEVER exempt:

Recycling in land disposal units (surface impoundments, waste piles etc)

Burning for energy or material recovery

Incineration

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40 CFR 266.108

Conditions must be met:

Waste must be generated onsite for LQG
(CESQGs may be able to burn at an offsite facility)

Certain quantity/specification limitation

Must meet all other RCRA standards (such as storage standards)

One time notification

Record keeping requirements

Questions?