

The following is the position that Indiana Department of Environmental Management has taken on tanks versus containers.

Clarification of “tank” and “container” definitions

The purpose of this analysis is to clarify the circumstances under which a device is determined to be a “tank” versus a “container” as defined in the hazardous waste rules. “Container” is defined at 40 CFR 260.10 as: “...any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.”

“Tank” is also defined at 40 CFR 260.10 as: “...a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials...which provide structural support.” The distinction is important because containers are subject to regulation under Subpart I of 40 CFR Part 264/265, while tanks are subject to the more stringent standards of Subpart J.

While there are many cases where the distinction between a tank and a container is clear (e.g., a 10,000-gallon carbon steel cylinder permanently placed inside a diked area with hard-piped ancillary equipment would be a tank, while a 55-gallon DOT approved drum moved on a routine basis would be a container), IDEM is aware that there are situations where the distinction is less clear.

In general, if a device is intended to be moved from place to place, and is actually used and managed as a mobile vessel, it would be considered a container. The intent is for devices which are for the most part permanent to be managed as tanks, and devices which are intended for transportation of waste to be managed as containers. Criteria used to evaluate these devices include the presence of ancillary equipment and how the ancillary equipment is used, the permanence of the device, how it is actually used on a routine basis, how waste enters and exits the unit, and the ability of the facility to transport the device while it is in use (i.e., containing waste).

Just because a device can be disconnected from ancillary equipment, or is equipped with wheels, or has the potential to transport waste, does not exempt it from regulation as a tank if it is in fact managed as a stationary device. For example, a 500 gallon fiberglass vessel is piped directly to a process which generates hazardous waste. Waste is pumped from the fiberglass vessel every ninety days into a truck for disposal offsite. Because the device is connected by pipes to the process and is never routinely moved, and is not intended to transport waste, it would be considered a tank even though it has the potential to be moved when it is empty. Conversely, if a 500 gallon stainless steel tote, manufactured with skids for a fork truck, is connected to the same process and is routinely removed within 90 days by fork truck and placed on a vehicle for transport offsite, it would be considered a container. Similarly, a unit mounted on wheels which accumulates waste and then is routinely utilized to transport the waste to other management units would also be considered a container. However, a tanker with wheels which is filled and emptied in place, and is not routinely used to transport waste (i.e., it is managed as a stationary device) would be considered a tank even though it has the potential to be portable.

It is important to note that pipes, pumps, valves, or any other equipment associated with container management of hazardous waste is itself potentially regulated as a waste management unit (i.e., a tank or container). It is simply good operating practice to flush or empty all equipment associated with hazardous waste management activities after use. Any equipment accumulating hazardous waste is subject to regulation. Ancillary equipment associated with hazardous waste tanks is regulated under 40 CFR 264/265.193. It will often be necessary to evaluate devices on a case-by-case basis to determine if the intent of the regulations is being met. Good professional judgment must be relied on in many cases.

Because every site is unique, some factors or situations concerning tank and container management may not be addressed in this guidance document. If you need additional information, or have any questions or concerns, please contact staff of the Compliance Branch, Office of Solid and Hazardous Waste Management, at 317-308-3103. The IDEM toll-free telephone number is 1-800-451-6027. From Dave Berrey - DBERREY@idem.IN.gov.