

NEWMOA Haz Waste Training Call – 1/13/11

The topic is: Containers versus Tanks – criteria that states and EPA use to distinguish between them, including such issues as “portable” versus “stationary”, and “flexible” versus “hard” piping. It will be a state-by-state roundtable.

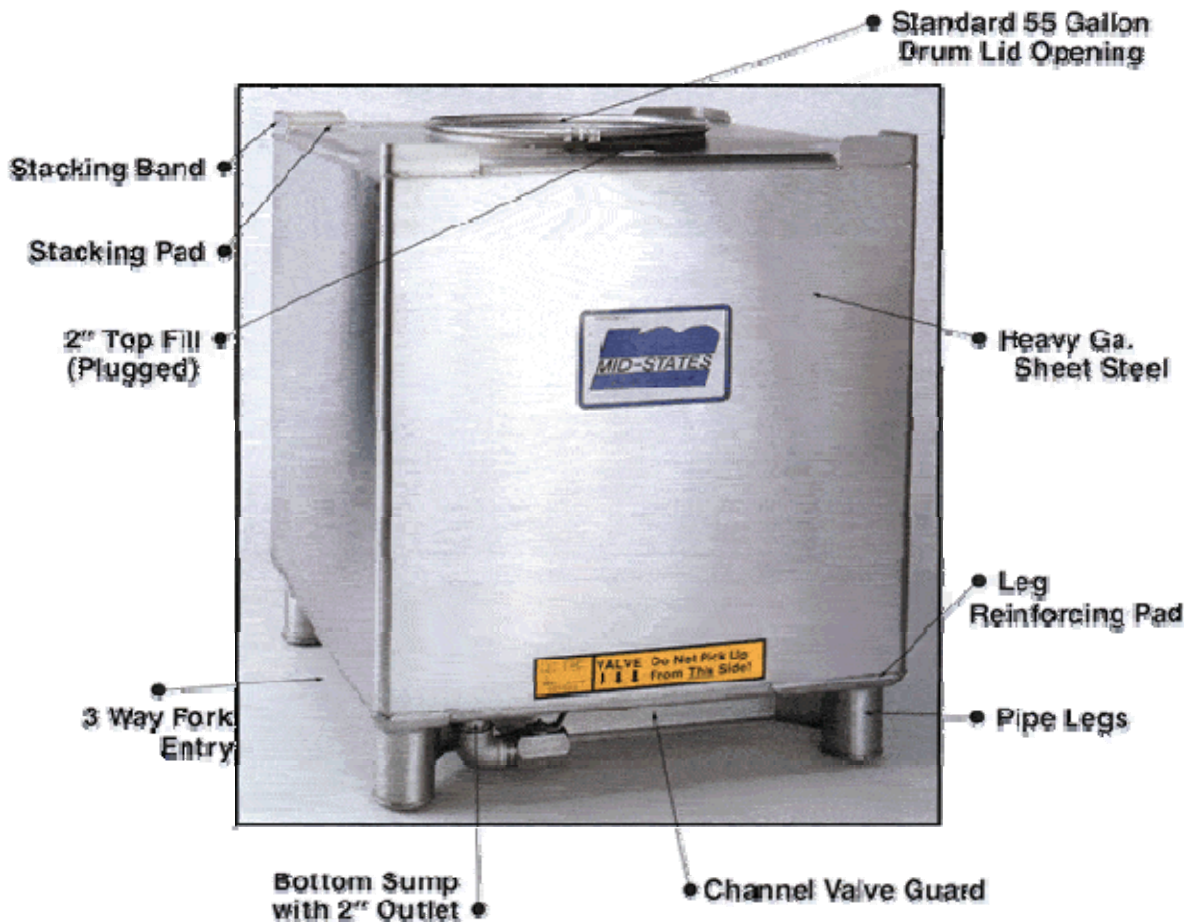
Federal and NH Hazardous Waste Rules define the following....

“Container” is defined as “any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.”

“Tank” is defined as “a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provides structural support”.

NH is looking for the criteria that States use to differentiate containers and tanks when the collection device does not clearly fit into one of the other.

Here are two recent examples....



- Tote for D001 hazardous waste
- Connected by a piping system ending in a flexible hose to a fitting in the lid.
- Receives waste directly from process machine, and from manually dumped solvent.
- Tote is not moved but is vacuumed out to empty it.

Question – is this a “container” or a “tank” under RCRA?

NHDES looked at this as a “container” because the tote is capable of being moved/carried, tote is not fixed in position, tote is not hard-piped (rather a flexible pipe is used to fill the tote), and the tote is not permanently mounted to the floor.



- 55 gallon drum hard piped to process vessel inside building to collect solvent vapor condensate.

DES looked at this as a “tank” because the drum was hard-piped, and not set up to be moved.

Pertinent RO – 12928 – “EPA has determined that a mobile tank could be a “tank” provided that it is intended to be stationary while in operation....”