



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

Rev Rota
Thanks
for your
help!

June 30, 1993

Mr. Michael J. Pacana, Manager
Tank Cleaning Operations
Matlack, Inc.
One Rollins Plaza
P.O. Box 8789
Wilmington, DE 19899

Dear Mr. Pacana:

Thank you for your inquiry dated May 14, 1993 regarding tank cleaning facilities and RCRA standards. Your letter raised some important issues which I will address.

In your letter you requested this Region's position on whether a transfer facility pursuant to 40 C.F.R. Part 263 may be subject to a RCRA permit. You described the activity as the removal of residues from cargo tanks and tank cars and repackaging the residues in Department of Transportation (DOT) approved containers. These DOT containers would then be returned to the original treatment, storage or disposal facility (or a different facility with the approval of the generator).

We do not believe a RCRA permit is required of a transfer facility for these activities provided the waste is received on a hazardous waste manifest and there is no treatment, storage or disposal of hazardous waste. As you know, if as a result of these activities a hazardous waste is generated, the transfer facility becomes a generator subject to the standards of 40 C.F.R. Part 262. Subsequent transportation of these hazardous wastes is subject to the standards for transporters at 40 C.F.R. Part 263.

As you know, EPA Headquarters has organized a workgroup to address this issue. This region may change its position to conform with future national policy on this issue. The EPA contact for this group is Mr. Allen Maples in the Characteristic Assessment Division, Office of Solid Waste. Mr. Maples may be reached at (202) 260-9556.

If you have any questions, please contact John Smaldone, my Special Assistant, at (617) 565-9125.

Sincerely,

Paul Keough

Paul G. Keough
Acting Regional Administrator

