



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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BOSTON, MASSACHUSETTS 02114-2023

JUN 12 2001

David Nash, Director
Connecticut DEP
Waste Engineering and Enforcement Division
Bureau of Waste Management
79 Elm Street
Hartford, CT 06106-5127

Dear Mr. Nash:

This letter responds to your March 14, 2001 letter requesting EPA New-England's interpretation of the regulatory status of a container (55-gallon drum) that is connected to a cyclone dust collector for the purpose of accumulating waste solids removed by this device. The source of this waste, according to CT DEP, is a deburring operation that is ducted from the cyclone unit. The CT DEP has requested that EPA determine whether the container, used to collect solids removed by the cyclone, is subject to the container management regulations of 40 CFR 262.34(a)(3) and/or 262.34(c)(1), or whether this container is exempt under 40 CFR 261.4(c) on the basis that this container is an "integral" part of the manufacturing unit.

EPA has reviewed the information submitted by the CT DEP and determined that the 55-gallon container attached to the cyclone unit is subject to the container management requirements as outlined under 262.34. CT DEP provided copies of two EPA interpretative letters (Faxback 14200 and Faxback 11921) as part of this interpretation request. Faxback 14200 contained an interpretation of the term "integral" component as it applied to the status of a silo system directly connected to a cyclone unit. The interpretative letter is not determinative of this matter and addressed the "unique situation" of fixed silos constructed as parts of dust handling systems. In general, EPA has not exempted baghouse dust or other sludge from RCRA requirements once it is removed from an air pollution control device. Faxback 11921 addressed the issue of whether dusts were considered solid wastes prior to collection in a baghouse or electrostatic precipitator, two types of air pollution control units. Faxback 11921 states that RCRA applicability determinations generally would be made once the material is removed from the baghouse.

EPA's determination of the regulatory status of the 55-gallon container considered several facts. First, the 55-gallon container is neither a manufactured item that is provided by the vendor as a fixed component to the cyclone unit nor is it an item that is otherwise required to ensure the proper operation of the cyclone unit. A cyclone is designed to both remove and store particulate matter from an air emission source. The 55-gallon container is not necessary and only facilitates the eventual transfer and removal of the wastes already separated and collected by the unit. As such, the storage of waste within the cyclone is not immediately regulated since this device is part of a manufacturing unit. However, the initial point of regulation occurs when these dusts exit the conical end of the cyclone device for storage in the 55-gallon container since the dust has exited the manufacturing unit in which it was initially generated (See 40 C.F.R. 261.4(c)). The 55-gallon container is also the same container that is ultimately shipped off-site to a permitted Treatment, Storage or Disposal facility as evidenced by the removal of the container once 55-gallons of waste has been accumulated. This fact is not a critical element, however, since the drum would be subject to the RCRA requirements upon first receipt of the dusts, regardless.

The regulation of the 55-gallon container as either a satellite or less-than-ninety day container does not represent any new or significant change in EPA's position in this matter. The status of

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David Nash
Page 2

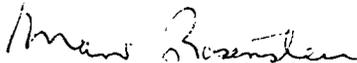
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the 55-gallon container is consistent and similar with how EPA regulates roll-off boxes, gaylords or other types of containers used to collect sludges generated from pollution control devices such as wastewater treatment systems. In those instances, the treatment portion of those systems, the tank related portions of those systems and any conveyances associated with those systems are exempt under the wastewater treatment exemption. However, any container used to accumulate such wastes, as is the case in your example, is not exempt under the current RCRA regulations.

The regulated status of the 55-gallon container described above is also consistent to other similar situations where the use of containers to collect hazardous wastes, while necessary, is not considered "integral." An example of this is the use of a container to collect waste discharges produced by the operation of analytical equipment. In those situations, the failure to use any type of container to collect the waste generated by the analytical equipment would result in an uncontrolled release of a hazardous waste. The use of a container to collect hazardous waste discharges, while essential to prevent spillage, are not "integral" to the process and, therefore, is subject to full regulation. We have recently observed that some manufacturers of analytical equipment have redesigned their equipment to incorporate these containers as a fixed component with added safety features to ensure that the analytical equipment can not operate if the container is full or not properly attached to the unit. We have considered those containers to be "integral" under those circumstances. For the scenario you describe above, however, the cyclone unit is both a treatment and initial storage device so that any container then used to collected dusts from the unit would not be "integral" to the process.

If you have any questions concerning this matter, please call Kenneth Rota at (617) 918-1751 or Sharon Leitch at (617) 918-1647.

Sincerely,



Marvin Rosenstein, Chief
Chemicals Management Branch
EPA-New England

cc: Ken Rota, Chief, RCRA Technical Unit
Gary Gosbee, Chief, Hazardous Waste Unit
Jeff Fowley, Atty., Office of Regional Council