

Hazardous Waste Generator Regulations Compendium

Volume 6: Generator Treatment in Tanks and Containers

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Office of Resource Conservation and Recovery

Materials Recovery and Waste Management Division

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This document includes the following sections:

- Resource View – outlines the document types by which resources are organized.
- Resources by Document Category – lists resources for each document category outlined in the *Resource View*.
- CFR View – provides relevant Code of Federal Regulations (CFR) language reformatted for easy reading.

These three main sections are cross-referenced, i.e., each section includes hyperlinks to the other sections. In addition, each section and its accompanying index include a hyperlink to the Main Index that allows the user to easily navigate from one section to another.

Introduction

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About the Compendium

The Hazardous Waste Generator Regulations Compendium serves as a user-friendly reference to assist regulators, industrial facilities generating and managing solid and hazardous wastes, and the general public in locating resources relevant to specific regulatory topics within the federal hazardous waste generator program.

The objective of this document is to consolidate and streamline the various resources on a topic into a user-friendly format, including references to relevant CFR language, Federal Register (FR) notices, documents posted on RCRA Online (i.e., guidance in the form of memoranda issued by EPA, Q&As, and other publications), and other resources, such as Frequent Questions webpages. The Compendium has been divided into multiple volumes that are available here: www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-compendium.

This document does not change any of the existing solid or hazardous waste requirements, nor does it offer an exhaustive list of relevant resources, as new resources may come into being or older ones may be relevant to a specific issue, but not included. Certain available resources, such as superseded RCRA Online documents, have not been referenced. Rather than including or reproducing referenced resources, this document generally provides hyperlinks to individual resources. As an exception, the Compendium does include relevant sections of the most current CFR regulatory language (as of the date on the cover of the Compendium). The included CFR language has been reformatted to make it easier to read, but it is not a substitute for the official CFR itself, or for the requirements in the CFR. The Government Printing Office frequently updates the e-CFR website; where appropriate, hyperlinks to the respective CFR section at the e-CFR website are provided.

Most states are authorized to administer their own RCRA Subtitle C hazardous waste program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations. State regulations must be at least as stringent as the federal standards, but they can be more stringent. Please visit the following website to determine if the state regulatory program is different from the federal program: <https://www.epa.gov/hwgenerators/links-hazardous-waste-programs-and-us-state-environmental-agencies>, and check with your state agency.

About the Generator Treatment Volume

This volume of the Compendium lists resources and CFR language pertaining to generator treatment that are found at 40 CFR 268 Subpart A and in the preamble to the March 24th, 1986 Federal Register Notice. For more information regarding other topics that apply to facilities generating hazardous waste, refer to other volumes of the Compendium and [EPA's Hazardous Waste Generators Webpage](#).

Please note that the Hazardous Waste Generator Improvements rule of 2016 created new sections in Part 262, which contains the regulations pertaining to generators. Accordingly, some citations in the generator requirements in older resources in this Compendium are outdated, including references to § 261.5, § 262.34, and others. Please see the preamble to the final Hazardous Waste Generator Improvements rule for a discussion of the reorganization of the regulations (81 FR

85735–85740, November 28, 2016). For a specific crosswalk of the regulation citation changes, refer to www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-crosswalk.

For more information on these regulations and any other questions or comments concerning this document, please contact EPA’s Office of Resource Conservation and Recovery:

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Resource View

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Generator Treatment in Tanks and Containers

Resource Index:

- Resource Type:
 - [EPA Memoranda](#)
 - [Questions and Answers \(Q&A\)](#)
 - [Federal Register Notices](#)

Resources by Document Category

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Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
Memoranda	12335	Treatment as Defined in 40 CFR 260.10 Subpart B	11/26/1984	Purpose of Treatment; Facilitating Disposal; Plastic Bags; Cyanide	
	12617	Accumulation and Treatment of Wastes On-Site/ Permit Requirements	04/16/1986	Solidification; Fixation; Containerized Hazardous Liquids; Generator Standards	
	11163	Permitting of Treatment Activities Occurring in a Generator's Accumulation Tanks or Containers	06/17/1986	Tanks and Containers; Incineration; Land Treatment; Withdrawal of Permit Applications	
	12694	Permitting of Treatment Activities in a Generator's Accumulation Tanks or Containers	07/25/1986	Accumulation Tanks and Containers; Incineration; Land Treatment; Withdrawal of Permit Applications	
	12811	Treatment in Accumulation Tanks and Containers Allowed for All Generators Subject to 262.34	12/05/1986	Accumulation Tanks and Containers; Treatment; Small Quantity Generators (SQGs); Large Quantity Generators (LQGs)	Refers to an enclosed memo that is not identified or included.
	11207	Treatment of Hazardous Waste in a Generator's Accumulation Tanks and Containers	12/22/1986	Accumulation Tanks and Containers; Treatment	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	11209	Generator Treatment in Accumulation Tanks and Containers	12/22/1986	Accumulation Tanks and Containers; Treatment	
	11231	Treatment of Hazardous Waste in Generator's Accumulation Tanks	03/25/1987	Treatment; Tanks; 90-Day Storage	
	12923	Evaporator Used to Remove Water from Hazardous Waste	05/01/1987	Evaporators; Generator Exclusion; Totally Enclosed Treatment Exclusion; Volume Reduction; Thermal Treatment; Tanks; Air Emissions	
	11310	Requested Re-interpretation of [the] On-Site Treatment Exemption	12/15/1987	Tanks and Containers; Thermal Treatment; Treatment Benefits; Detonation; Open Burning	
	11422	Generator Treatment of F006 Electroplating Sludge	04/19/1989	F006 Sludge; Stabilizing Compounds; Thermal Drying; Tanks and Containers	
	13297	Mixed Waste Regulation – RCRA Requirements vs. NRC Requirements	06/26/1989	Mixed Waste; Short-lived Radionuclides	
	11598	Generator Treatment in Accumulation Tanks and Containers	04/16/1991	Treatment; Permits and Permitting; Tanks and Containers; Radioactive; Very Small Quantity Generators (VSQGs)	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	11609	Compacting Hazardous Waste in Steel Drums as Treatment	05/21/1991	Compacting; Treatment in Containers; Volume Reduction	
	11624	Toxicity Characteristic Leaching Procedure and Lead Paint Removal Debris	07/03/1991	On-Site Stabilization; Tanks and Containers; Lead Paint Removal Debris	
	11641	Treatment of Hazardous Waste from Large Quantity Generators	09/20/1991	Tanks and Containers; LQGs; SQGs; Waste Analysis Plan (WAP); Dilution Prohibition	
	13526	Exemption from Permitting Requirements for Waste Water Treatment Units	01/16/1992	Air Stripper; Tanks	
	11675	Remediation of Contaminated Soils at Historic Manufactured Gas Plant (MGP) Sites	07/01/1992	Contaminated Soils; Remediation Waste; Burning Treated Waste	
	13558	RCRA Regulatory Interpretation on Benzene Strippers at WRC Refinery	08/27/1992	Benzene Stripping; Waste Minimization; Generator Exemption	
	13570	Regulatory Requirements Pertaining to Management of Waste Solvents and Used Oil	10/28/1992	Mixing Hazardous Waste and Used Oil; Generator Exemption; Hazardous Waste Determination; Dilution	See questions 14-17.

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	11739	Strategy for Voluntary Remediation of Historic Manufactured Gas Plant (MGP) Sites	04/26/1993	Contaminated Soils; Remediation Waste; Burning Treated Waste	
	13613	Use of On-Site Precipitation Process as an Acceptable Pretreatment Step Adjunct to Mercury Retorting	06/03/1993	Precipitation; Pretreatment; Mercury Wastes (D009); Retorting; Tanks and Containers; WAP	
	11763	Regulatory Status of Plastic Chips from Reclamation of Lead-Acid Batteries	08/04/1993	Lead Acid Batteries; Battery Acid; Corrosive (D002); Toxicity (D008); Neutralization	
	11881	Regulation of Fuel Blending and Related Treatment and Storage Activities	10/17/1994	Fuel Blending; Land Disposal Restrictions (LDR); Thermal Treatment; Air Emissions; Subparts AA and BB	
	14024	Status of Mixed Coal Products	05/30/1996	Manufactured Gas Plant (MGP)Wastes; Mixing Hazardous Waste with Coal, Wood Chips or Corn Cobs; LDR	
	14104	Application of RCRA Regulations to Chemical Flocculation Units When Used to Treat Wash Water from Aircraft Engines	09/23/1996	Chemical Flocculation; Cadmium-contaminated Wash Water; Generator Exemption; Treatment Sludge	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	14112	Permitting and Land Disposal Requirements for Management of Contaminated Soil Which is Hazardous or Contains Hazardous Waste	11/27/1996	Contaminated Soil; Cleanup; Generator Exemption; Permit Waiver; LDR Corrective Action Management Units	
	14462	Treatment Process for Spent Abrasive Wastes	08/15/1997	Blasting Processes; Metal Coatings; Vacuum System; Stabilizing Metals; Portland Cement; Silicate Materials; Tanks and Containers; Miscellaneous Unit (Subpart X); LDR; Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Liability	
	14291	Management of Remediation Waste Under RCRA	10/14/1998	Treatability Studies Exemption; Remediation Waste; Generator Exemption; Permit Waivers	See pages 6-8
	14466	Permitting of Catalyzed Electrochemical Oxidation Process	10/23/1998	Electrochemical Oxidation; Organic Wastes; Non-thermal Treatment; Generator Exemption	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	14338	Decharacterization of D018 Coal Tar Wastes at Manufactured Gas Plants	01/26/1999	MGP; Toxicity (D018); Mixing; LDR; Dilution; Pre-treatment to Enhance Treatment	
	14471	Generator Treatment of Soil in a Container	07/18/2000	Contaminated Soil; Cement	
	14618	Hazardous Waste Generated in Laboratories	08/16/2002	Academic Laboratories; LQGs; SQGs; Precipitation; Oxidation/Reduction; Incineration; Boilers and Industrial Furnaces (BIFs); LDR; WAP; Elementary Neutralization; On-site Recycling	This memo is a thorough summary of the generator treatment guidance and regulations with broad applicability beyond laboratories.
	14839	Applicable RCRA Regulations for Recycling Cathode Ray Tube (CRT) Glass	04/01/2014	CRT Glass; Generator Exemption; Non-thermal Treatment; Legitimate Recycling	A third-party recycler of CRT glass would be a generator for hazardous residuals of the recycling process, which is why this memo refers to generator treatment.
	14890	Treatment of Hazardous Waste Air Filters by Compacting	03/02/2016	Air Flow Filters; Compacting and Baling; Totally Enclosed Canister; Volume Reduction; SQGs; LQGs; Thermal Treatment	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	14893	Recalled Takata Airbag Inflators	06/23/2017	Airbag Inflators; Deployment; Recycling; Scrap Metal	
Q&A	13117	“Lab Packs” at Generator Sites	01/1/1988	Lab Packs; Absorbents; Service Company; Repackaging; Thermal Treatment; Incineration	
	13346	Treatment—Two Parts to Definition	01/1/1990	Consolidating; Mixing Waste; Changing Character of Waste; Making Waste Safer to Transport; Storage Time Limits	
	13553	Treatment in a Generator’s 90-Day Containment Building	08/01/1992	Thermal Treatment; Containment Buildings; WAP; Incinerators; BIFs	
	14662	Frequently Asked Questions on Generator Treatment	01/01/2003	Conditionally Exempt Small Quantity Generators (CESQGs) ¹ ; SQGs; LQGs; Thermal Treatment; Containment Buildings; Drip Pads; Generators	Superseded by 2016 Generator Rule with regard to drip pads and containment buildings at SQGs (81 FR 85768).
	14684	Small Quantity Generator Treatment in Tanks	08/01/2003	Special Tank Standards for SQGs; Thermal Treatment	

¹ As of November 28, 2016, Conditionally Exempt Small Quantity Generators (CESQGs) are now called Very Small Quantity Generators (VSQGs).

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
Federal Register Notices	51 FR 10146	Hazardous Waste Management System: General; Identification and Listing of Hazardous Waste; Standards for Generators of Hazardous Waste; Standards for Transporters of Hazardous Waste; EPA Administered Permit Programs; Authorization of State Hazardous Waste Programs	03/24/1986	Hazardous Waste; Generators; Treatment; Accumulation; Identification and Listing	Preamble discussion only; there is no corresponding regulatory language. See page 10168 of preamble.
	55 FR 22520	Land Disposal Restrictions for Third Third Scheduled Wastes	06/01/1990	WAP; Best Demonstrated Available Technology (BDAT); Treatment Standards	See page 22670 of preamble.

CFR View Index

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CFR Location	Title/Topic
268.7(a)(5)	Requirements for Generators and Reverse Distributors

CFR View

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NOTE: The CFR language may have been excerpted, reformatted and appended with subheadings and explanations/terms in brackets.

§ 268.7(a)(5) Requirements for Generators and Reverse Distributors

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(5) If a generator is managing and treating prohibited waste or contaminated soil in tanks; containers; or containment buildings regulated under 40 CFR 262.15; 262.16; and 262.17 to meet applicable Land Disposal Restriction (LDR) treatment standards found at § 268.40; the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1 to § 268.45; however; are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records; and the following requirements must be met:

[§ 268.40 (a) – A prohibited waste identified in the table “Treatment Standards for Hazardous Wastes” may be land disposed only if it meets the following treatment standard requirements:

(1) “total waste standards” – all hazardous constituents in the waste or in the treatment residue must be at or below the values for that waste found in § 268.40;

(2) “waste extract standards” – the hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values outlined in § 268.40;

(3) “technology standard” – wastes must be treated using the technology specified in § 268.42.]

(i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated and [must] contain all information necessary to treat the waste(s) in accordance with the requirements of this part; including the selected testing frequency.

(ii) Such plan must be kept in the facility's on-site files and made available to inspectors.

(iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of § 268.7(a)(3).

[§ 268.7(a)(3)(i) – With the initial shipment of waste to each treatment; storage; or disposal facility; the generator must send a one-time written notice to each treatment; storage; or disposal facility receiving the waste; and place a copy in the file.]

Federal Register Preamble

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NOTE: The FR preamble language has been reformatted.

Federal Register: 51 FR 10146 (March 24, 1986); see page 10168

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(III)(E)(1) – Under today's final rules, 100-1000 kg/mo generators will be required to obtain a permit if they treat or dispose of hazardous waste on-site (except for treatment in tanks or containers during the 180/270 day accumulation period in conformance with Subparts J or I of Part 265, respectively) or accumulate hazardous waste on-site in tanks or containers for more than 180 (or 270) days.

[...]

The Agency disagrees that on-site treatment should be encouraged by exempting those generators of 100-1000 kg/mo from the RCRA permitting requirements. To the extent that these generators are conducting the same treatment/storage or treatment/disposal as other permitted facilities, their on-site treatment activities pose a potential risk to human health and the environment. Therefore, reduced or eliminated permitting requirements would be inappropriate.

Of course, no permitting would be required if a generator chooses to treat their hazardous waste in the generator's accumulation tanks or containers in conformance with the requirements of § 262.34 and Subparts J or I of Part 265. Nothing in § 262.34 precludes a generator from treating waste when it is in an accumulation tank or container covered by that provision. Under the existing Subtitle C system, EPA has established standards for tanks and containers which apply to both the storage and treatment of hazardous waste. These requirements are designed to ensure that the integrity of the tank or container is not breached. Thus, the same standards apply to a tank or a container, regardless of whether treatment or storage is occurring. Since the same standards apply to treatment in tanks as applies to storage in tanks and since EPA allows for limited on-site storage without the need for a permit or interim status (90 days for over 1000 kg/mo generators and 180/270 days for 100-1000 kg/mo generators), the Agency believes that treatment in accumulation tanks or containers is permissible under the existing rules, provided the tanks or containers are operated strictly in compliance with all applicable standards.