



Container Washing Operation

THIS POLICY DOES NOT HAVE THE FORCE OF LAW

Hazardous Waste

*This guidance document supersedes the 1986 policy entitled, "Tanker Washing Operations." It is intended to provide guidance explaining how to properly manage waste generated from empty containers in accordance with Ohio Administrative Code (OAC) rule **3745-51-07**. This guidance will reiterate the regulatory definitions of "container," "inner liner," and "empty container," states the requirements for rendering a hazardous waste container empty, and explain when empty container residue must be managed as hazardous waste.*

Background Information When is my Container Empty According to the Rule

Ohio's hazardous waste management rules provide an exemption for hazardous waste residue which remains in either an empty container (including tanker trucks and railroad tank cars) or an inner liner removed from an empty container. However, questions arise regarding how the residue should be managed upon removal from an empty container or inner liner.

What is a Container?

OAC rule **3745-50-10(A)** defines "container" as any portable device in which a material is stored, transported, treated, disposed of or otherwise handled. This definition is intentionally broad to encompass all different types of portable devices that may be used to handle hazardous waste. Examples of containers include a five gallon bucket, a 55-gallon drum, a tanker truck, railroad tank car or any number of other portable devices. When these devices are used for transporting, treating or storing hazardous waste or commercial chemical products that become hazardous waste when discarded, they are subject to the regulations applicable to hazardous waste containers.

What is an Inner Liner?

The term "inner liner" is referred to several times in this guidance document and in OAC rule **3745-51-07**. OAC rule **3745-50-10(A)** defines "inner liner" as a continuous layer of material placed inside a tank or container which protects the construction materials of the container from contact with the contained waste or reagents used to treat the waste.

When is my Container Empty According to the Rule?

OAC rule **3745-51-07** sets forth criteria that a container or inner liner must meet in order to be "empty." This rule includes the requirements for rendering a container or a removed inner liner empty. Sometimes a container that meets the criteria described in this rule is called a "Resource Conservation and Recovery Act (RCRA) empty" container.

When the container or inner liner stored a material that exhibits a characteristic of a hazardous waste, a commercial chemical product listed in the hazardous waste rules, or a listed or characteristic hazardous waste, you must apply a two-step test to determine when the container or inner liner is empty.

- First remove all material from the container or inner liner using methods that are commonly employed (pouring, pumping, aspirating, etc.); and
- Ensure that no more than one inch of material remains in the container or inner liner: or
 - no more than three percent by weight of the total capacity of the container remains in the container or inner liner, if the container is less than or equal to 110 gallons in size; or

Container Washing Operation

- no more than 0.3 percent by weight of the total capacity of the container remains in the container or inner liner, if the container is greater than 110 gallons in size.

If the container or inner liner held an acutely hazardous waste¹ or commercial chemical product listed as an acutely hazardous waste, then it must meet the following conditions to be considered empty:

- the container or inner liner has been triple rinsed using a capable solvent (which may be water); or
- the container or inner liner has been cleansed by another equivalent method; or
- the inner liner has been removed

How do I Handle the Rinsate or Residue Generated by Cleaning my Non-empty Container or Inner Liner?

As previously stated, residue remaining in a non-empty container that is a hazardous waste is subject to the hazardous waste regulations. The rinsate or residue that you generate from cleaning your non-empty container or inner liner is subject to all applicable hazardous waste regulations. This newly generated waste must be evaluated at the point of generation to determine if it meets the definition of a hazardous waste (see OAC rule [3745-51-03](#)). If the container or inner liner held a listed hazardous waste, then the rinsate or residue is a listed hazardous waste. Rinsate from triple rinsing [or from another method as described in OAC rule [3745-51-07\(B\)\(3\)\(b\)](#)] a container or inner liner that held an acutely hazardous listed waste remains an acutely hazardous listed waste and is fully regulated.

Any residue remaining in a non-empty container or inner liner that held any commercial chemical product or manufacturing chemical intermediate having the generic name listed in paragraph (E) or (F) of OAC rule [3745-51-33](#) remains a listed hazardous waste when discarded. However, if the residue is being used or reused, or legitimately recycled or reclaimed, it is not considered a hazardous waste [see OAC rule [3745-51-33\(C\)](#)]. An example of a legitimate reuse of the residue includes when the residue remains in the container and the container is used to hold the same commercial chemical product or manufacturing intermediate it previously held.

How do I Handle Rinsate or Residue Generated by Cleaning an Empty Container or Inner Liner?

The person rinsing or reconditioning an empty container or inner liner, who generates a rinsate or residue, becomes the generator of a waste and must evaluate that waste to determine if it is hazardous in accordance with OAC rule [3745-52-11](#). The rinsate or any other residue generated from decontamination or reconditioning of an empty container or inner liner is a newly generated waste. If the newly generated waste exhibits any hazardous waste characteristic as described in OAC rules [3745-51-20 through 3745-51-24](#), then it is a hazardous waste. If the original contents of the empty container or inner liner were characteristic hazardous wastes, the rinsate itself exhibited a characteristic before use, or the contents contained hazardous constituents, then the rinsate could be a hazardous waste. However, the rinsate or residue would not be a listed hazardous waste.

How do I Handle a Container with a Failed Inner Liner?

If the inner liner has been damaged, the hazardous material may have come in contact with the container. In this instance, the container and the inner liner are both subject to all applicable hazardous waste regulations and must both be rendered empty (see above) prior to disposal or reuse

What Regulations Apply if I Discharge the Rinsate to a Sewer or Through an NPDES Permitted Outfall?

Wastewater pretreatment is usually regulated by your local publicly owned treatment works (POTW). Direct discharge treatment systems are regulated under Ohio's wastewater treatment regulation implemented by Ohio EPA's [Division of Surface Water](#). If the rinsate is a hazardous waste, you must manage it in accordance with all applicable hazardous waste management rules. If you use water to wash your containers or inner liners, you may discharge the rinsate to a sanitary sewer (with pretreatment) or through an NPDES permitted discharge through a properly permitted wastewater treatment system (you should check with your local POTW to determine if this is allowed). For more information on this topic and how it is regulated call Ohio EPA's Division of Surface Water at (614) 644-2001 or visit their [Web site](#).

¹ A listed hazardous waste designated with an "H" hazard code - this includes most commercial chemical product listed wastes designated with hazardous waste number PXXX and F020, F021, F022, F023, F026 and F027.

Container Washing Operation

Wastewater treatment units are exempt from permitting and management standards under Ohio's hazardous waste rules [see OAC rules [3745-50-45\(C\)\(5\)](#), [3745-54-01\(G\)\(6\)](#) and [3745-65-01\(C\)\(10\)](#)] or Ohio EPA's Guidance document entitled, "Clarification on the Wastewater Treatment Unit Exemption."

Contact

For more information, contact the Hazardous Waste Compliance and Inspection Support Unit of the [Division of Materials and Waste Management](#) at 614-644-2621.

References

1. Ohio Administrative Code rules [3745-50 through 3745-51](#)
2. 40 Code of Federal Regulations [261.7](#)
3. September 1984, Fax-On-Demand: [12299](#)
4. September 1983, Fax-On-Demand: [12138](#)
5. November 1980, Fax-On-Demand: [11004](#)