

ATTACHMENT B
EPA's FAXBACKs 13204, 13717, 13778
With Regards to Elementary Neutralization

9471.1988(03)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JULY 88

3. Elementary Neutralization Units

A generator produces large volumes of corrosive waste. It is pumped directly to a tank which is an elementary neutralization unit. However, this waste (corrosive only) remains in the tank for two months before it is actually neutralized. Is this waste counted for purposes of determining generator status? Is the corrosive waste that is stored in the neutralization unit prior to treatment included in the scope of the exemptions in Sections 264.1(g)(6), 265.1(c)(10) and 270.1(c)(2)(v)?

No, this type of waste is not counted for determining generator status. As stated in the March 24, 1986 Federal Register (51 FR 10146) wastes treated in elementary neutralization units are included in the general category of exempted or excluded wastes that would not be counted in determining generator status.

Also, this waste is not counted because it is not subject to substantive regulations in 40 CFR Parts 262 and 263 as long as it remains in the neutralization unit (51 FR 10152).

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HOTLINE QUESTIONS AND ANSWERS

December 1994

2. Elementary Neutralization Units Generating and Storing Non-Corrosive Hazardous Wastes

The operator of an electroplating facility neutralizes corrosive D002 wastewaters with lime in an on-site tank. The neutralization process causes a sludge to accumulate at the bottom of the tank. Although it does not exhibit the characteristic of corrosivity, this sludge from the treatment of electroplating wastewaters meets the definition of F006 listed hazardous waste (40 CFR 261.31). The neutralization process thus causes a non-corrosive hazardous waste to be generated and stored in the treatment tank. Can this tank meet the definition of an elementary neutralization unit?

This treatment tank at the electroplating facility meets the definition of an elementary neutralization unit, because the waste originally treated in the tank is hazardous only due to corrosivity. According to 40 CFR 260.10, an elementary neutralization unit is a device which: (1) is used for neutralizing wastes that are hazardous only because they exhibit the corrosivity characteristic, or are listed only because of corrosivity; and (2) meets the definition of a tank, container, transport vehicle, or vessel. As long as the original influent waste is hazardous only due to corrosivity, generation of a new, non-corrosive listed or characteristic hazardous waste during the neutralization process does not automatically bar the tank from the elementary neutralization unit definition. This tank is therefore eligible for the exemption for elementary neutralization units found at 40 CFR 264.1(g)(6), 265.1(c)(10), and 270.1(C)(2)(v). Units qualifying for this exemption are not subject to permitting, generator on-site time limits, weekly inspections, or other technical RCRA standards. Since the elementary neutralization unit exemption applies only to the tank and does not attach to wastes that are removed from the unit, the F006 sludge formed during the neutralization process is subject to full regulation as a hazardous waste once it is removed from the tank for treatment and disposal.

9441.1996(01)

HOTLINE QUESTIONS AND ANSWERS

February 1996

2. Conditionally Exempt Small Quantity Generators Treating in Elementary Neutralization Units

A conditionally exempt small quantity generator (CESQG) may treat or dispose of hazardous waste on site provided the generator meets certain requirements outlined in 40 CFR 261.5(f)(3) and (g)(3). If a CESQG chooses to treat waste in an on-site elementary neutralization unit, must the generator meet the conditions of 261.5(f)(3) and (g)(3)?

A CESQG may treat hazardous waste in an on-site elementary neutralization unit without meeting the requirements in 261.5(f)(3) and (g)(3). Elementary neutralization units, as defined in 260.10, are exempt from RCRA treatment, storage, and disposal standards and permitting requirements. The elementary neutralization unit exclusion does not preclude a CESQG from treating waste in the exempt unit as long as the generator meets the criteria outlined in 264.1(g)(6), 265.1(c)(10), and 270.1(c)(2)(v). Specifically, the elementary neutralization unit must meet the definition of a container, tank, tank system, transport vehicle, or vessel; and be used for neutralizing wastes that are hazardous only because of corrosivity characteristic.