



MIDWEST
Environmental Services, Inc.

Residues of Hazardous Waste in Empty Containers. “RCRA Empty”

Did you know that your “RCRA empty” container may not be empty after all?

The Environmental Protection Agency rules for residues in containers are found in 40 CFR section 261.7 *Residues of hazardous waste in empty containers*. These regulations state that no more than 2.5 centimeters (one inch) of residue may remain on the bottom of a container or inner liner. It also states that for containers less than or equal to 119 gallons in size, no more than 3 percent by weight of the total capacity of the container can remain in the container to be considered empty. For containers over 119 gallons in size the amount is reduced to 0.3 percent for the container to be considered empty. Based on the 3% calculation, a 55-gallon drum can have a little over one and a half gallons of residue and still be considered empty. Now let's look at the word residue, what does that mean? It is unclear; however, the regulations state that the material must be removed to the best of the generators ability through pumping, pouring, and aspirating. This would imply that if you can remove the material then you **must** and that the empty rule would not apply to a material such as a pourable liquid. Therefore even if a drum meets the requirement of less than one inch, if the material is a free liquid that can be poured out of the drum, it is not considered a “RCRA” empty drum. Confusing these regulations could result in improper shipments of hazardous waste.

Other regulations apply to acutely toxic materials and compressed gases. As you can see the regulations can be confusing at times and non-compliance can be costly. If you are uncertain as to how the regulations might apply to your waste stream it is important to seek assistance from your regulatory agencies or a competent environmental consultant; Midwest Environmental Services has over 25 years of experience with industrial cleaning, waste disposal, and consulting services. For more information on the services we provide contact us at 812-358-5160, for emergency services please call 877-999-7745.

Midwest Environmental Services, Inc.

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24 HOUR EMERGENCY RESPONSE: 1.877.999.7745