

**Bechtel***Interoffice Memorandum*

To	Distribution	File No.	7440/124, 135
Subject	EIN; Ohio Hazardous Waste Regulations; Empty Container Rule	Date	February 6, 1995
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**BACKGROUND**

This Environmental Information Notice (EIN) provides regulatory guidance concerning compliance with the Ohio Hazardous Waste regulations for residues of hazardous waste in empty containers or inner liners (e.g., the Empty Container Rule). This EIN is based on research and evaluation of §3745-51-07 of the Ohio Administrative Code (OAC).

**SUMMARY OF THE RULE**General

If a hazardous waste is emptied from a container, the residue remaining in the container is not considered a hazardous waste if the container meets certain requirements. These requirements provide an exemption from hazardous waste management regulations for containers holding residues of hazardous waste which are considered "empty." Such "empty" containers are not subject to hazardous waste regulation.

Non-acute Hazardous Waste

A container that has held non-acute hazardous waste is considered "empty" if all wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container (e.g., pumping and pouring) and either no more than one inch of residue remains on the bottom of the container or no more than three percent by weight of the total capacity of the container remains inside.



**Acute Hazardous Waste**

A container that has held an acute hazardous waste is considered empty if the container has been triple rinsed using an appropriate solvent, cleansed by another method that has been shown in scientific literature or by testing to achieve equivalent removal, or the inner liner of the container has been removed.

**Compressed Gas**

A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.

**RECOMMENDATION**

Containers holding non-acute hazardous waste should be used until all possible wastes have been removed by pumping, spraying or pouring waste from the container. Provided that no more than one inch of residue remains on the bottom of the container or no more than three percent by weight of the total capacity of the container remains inside, the container is considered empty and is not subject to hazardous waste regulation.

**ATTACHMENTS**

1. OAC 3745-51-07
2. OAC 3745-55-70



*3745-51-07 Residues of hazardous waste in empty containers*

(A)(1) Any hazardous waste remaining in either an empty container or an inner liner removed from an empty container, as defined in paragraph (B) of this rule, is not subject to regulation under rules 3745-50-40 to 3745-50-62 or Chapters 3745-51 to 3745-57, 3745-59, or 3745-65 to 3745-69 of the Administrative Code or Chapter 119, of the Revised Code or to the notification requirements of Chapter 3734, of the Revised Code.

(2) Any hazardous waste in either a container that is not empty or an inner liner removed from a container that is not empty, as defined in paragraph (B) of this rule, is subject to regulation under rules 3745-50-40 to 3745-50-62 and Chapters 3745-51 to 3745-57, 3745-59, and 3745-65 to 3745-69 of the Administrative Code and to the notification requirements of Chapter 3734, of the Revised Code.

(B)(1) A container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste in rule 3745-51-31, 3745-51-32, or paragraph (E) of rule 3745-51-33 of the Administrative Code, is empty if:

- (a) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating; and
- (b) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner; or
- (c)(i) No more than three per cent 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 one hundred ten gallons in size; or
- (ii) No more than 0.3 per cent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than one hundred ten gallons in size.

(2) A container that has held a hazardous waste that is a compressed gas is empty when the pressure in the container approaches atmospheric.

(3) A container or an inner liner removed from a container that has held an acute hazardous waste listed in rule 3745-51-31, 3745-51-32, or paragraph (E) of rule 3745-51-33 of the Administrative Code is empty if:

- (a) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
- (b) The container or inner liner has been cleansed by another method that has been shown in the scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or
- (c) In the case of a container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.

**3745-55-70 Applicability; use and management of containers**

*Rules 3745-55-70 to 3745-55-78 of the Administrative Code apply to owners and operators of all hazardous waste facilities that store containers of hazardous waste, except as rule 3745-54-01 of the Administrative Code provides otherwise.*

*[Comment: Under rule 3745-51-07 of the Administrative Code and paragraph (C) of rule 3745-51-33 of the Administrative Code, if a hazardous waste is emptied from a container the residue remaining in the container is not considered a hazardous waste if the container is "empty" as defined in rule 3745-51-07 of the Administrative Code. In that event, management of the container is exempt from the requirements of rules 3745-55-70 to 3745-55-78 of the Administrative Code.]*

## **2.9 RESTRICTIONS**

**There are no radiologically based restrictions on the future use of the subject property.**