

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

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May 14, 1996

Ms. Gina Purin, Program Coordinator
County of Marin - Waste Management
10 N. San Pedro Road, Suite 1022
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Dear Ms. Purin:

Thank you for your letter to the Department of Toxic Substances Control (DTSC) dated December 5, 1995. On behalf of DTSC, please accept my apologies for the delay in responding to your written request for technical assistance.

In your letter, you are requesting assistance and clarification on the regulations concerning the management and disposal of "empty" containers of various volumes and the solidified materials (i.e. solidified paint) which were once held in these containers. More specifically, the following questions (paraphrased here) were raised in your letter to DTSC:

- 1) Can containers of 5 gallons or less in capacity and generated by households, conditionally exempt small quantity generators (CESQGs), and others (unspecified) be disposed of in the trash if they contain small amounts of solidified materials (i.e., latex paint, oil-based paint, glue, tar, wall paste, caulking compounds, etc.)?
- 2) Are metal or poly containers which are greater than 5 gallons in capacity and "empty" as defined in section 66261.7, Title 22, California Code of Regulations (22 CCR), exempt from regulation as a hazardous waste if they are destined to go to a scrap recycler or drum reconditioner?
- 3) If various solidified/hardened materials (i.e., latex or oil-based paint, etc.) are chiseled out or removed from containers which are greater than 5 gallons in capacity, must those materials be managed as hazardous waste?



With respect to household hazardous material and pesticide containers of 5 gallons or less in capacity (or the inner liners from such containers), these containers, as outlined in 22 CCR section 66261.7(k), are exempt from regulation if the container (or inner liner) is emptied by removing all of the contents that can be removed using practices commonly employed to remove materials from that type of container.

You also inquired whether it was acceptable to dispose of "empty" containers of 5 gallons or less in capacity which are generated by households, CESQGs, and others (unspecified) in the "trash". With the exception of those containers generated by households as described in subsection (k), all containers must be managed by one of the conditions specified in 22 CCR section 66261.7(e) in order to retain the exemption. These management options include (but are not limited to) disposal at an appropriate solid waste facility. Those emptied containers generated from households should be managed in accordance with the regulations from other state or local agencies who have jurisdiction over the management of wastes not regulated by DTSC.

In response to question #2, assuming that the metal or poly containers which are greater than 5 gallons in capacity are "empty" as defined in 22 CCR section 66261.7(b) or (d), respectively, these containers would be exempt from regulation provided they are managed within one year from the date of being emptied by one of the following methods (paraphrased here):

- 1) Reclaiming the container's scrap value onsite or by sending the container to a person who reclaims the container's scrap value; or,
- 2) Reconditioning or remanufacturing the container onsite, or by shipping the container to a person who reconditions or remanufacturers the container.

In response to question #3, the answer has been partially discussed in the opening paragraphs of this letter. The basis for the contaminated container regulations lies in the presumption that the contents/materials in the containers exhibit a characteristic of a hazardous waste pursuant to Chapter 11, 22 CCR. Furthermore, the mismanagement of the contents/materials in the containers outside the scope of the management conditions/practices imposed by 22 CCR section 66261.7 may cause a significant impact to public health and the environment. Therefore, the contents/materials which are physically removed (i.e., chiseled) from containers which are greater than 5 gallons in capacity would be fully regulated as hazardous wastes. This would apply to CESQGs and household generators excluding those household generators included in the 22 CCR section 66261.7(k) provision.

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disregard the DTSC's old empty paint container policy and manage these types of wastes in accordance with the most current requirements and standards established under the present 22 CCR.

I hope this letter provides you with the information you need. I am also including a copy of DTSC's fact sheet on the contaminated container regulations which I hope you will find useful. Should you have any additional questions concerning this letter or need further assistance, please contact me at the above telephone number and letterhead address.

Sincerely,



Ronald Pilorin
Human and Ecological Risk Section
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Enclosure

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