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TITLE: Definition of Treatment

APPROVAL DATE: 6-26-85

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ORIGINATING OFFICE: OSW

☒ **FINAL**

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LEVEL OF DRAFT

☐ A — Signed by AA or DAA

☐ B — Signed by Office Director

☐ C — Review & Comment

REFERENCE (other documents):

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Key Words: Treatment, Containers, Authorized States

Regulations: 40 CFR 260.10

Subject: Definition of Treatment

Addressee: Robert F. Walter, Office of Environmental Health and Safety,
Virginia Commonwealth University, Box 112, Richmond, VA 23298

Originator: John H. Skinner, Director, Office of Solid Waste

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Summary:

The letter clarifies the definition of "treatment" under RCRA. In light of that definition, the puncturing, crushing, or shredding of containers holding hazardous waste does not constitute treatment as defined under RCRA.

JUN 26 1985

Mr. Robert F. Walter
Office of Environmental Health and Safety
Virginia Commonwealth University
Box 112
Richmond, Virginia 23298

Dear Mr. Walter:

This is in response to your letter of June 17, 1985, in which you question whether shredding of containers holding toluene constitutes "treatment" of a waste under RCRA.

The Environmental Protection Agency (EPA) has taken the position that puncturing, crushing, or shredding of containers does not constitute treatment. As defined under RCRA treating deals with changing the state of the waste; the shredding operation changes the physical character of the container, not the waste. This interpretation is further explained in the enclosed letter to Mr. Bierlein, Counsel for Safe Transportation of Hazardous Articles, responding to questions on the same subject. Of course, this interpretation applies only to those States where the Federal RCRA regulations apply. It is intended that the States take control of the hazardous waste program; where a State program is in operation, that State's rules and regulations prevail in lieu of the Federal program. Virginia was granted final authorization for their program as of December 1984; thus, it is their rules that apply to your wastes.

If you have any further questions, please contact Alan Corson, of my staff; he may be reached at 202/382-4770.

Sincerely,

John E. Skinner
Director
Office of Solid Waste

Enclosure