

# Use of Polymerization as Treatment Method: U.S. Environmental Protection Agency RCRA Guidance



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The United States Environmental Protection Agency (“EPA”) addressed in a December 4, 2020, letter a request for a regulatory determination on hazardous waste generator activities associated with polymerization (“POLYM”) as a treatment method.

The letter guidance was authored by Carolyn Hoskinson, EPA Director, Office of Resource Conservation and Recovery and transmitted to Mr. John Schweitzer of the American Composites Manufacturers Association.

EPA characterizes the regulatory determination as encompassing guidance on the following:

1. The use of indirect heat to activate and support the catalyst used for POLYM treatment of scrap resins in a container is not classified as thermal treatment of hazardous wastes and can be conducted without a RCRA permit when hazardous waste container management standards are met; and
2. Closure of hazardous waste containers undergoing POLYM treatment with an unsecured lid or alternative covering (i.e., a *no visible opening* standard) is appropriate during onsite generator accumulation when applicable hazardous waste Subpart CC standards are met.

EPA responds and states that:

... the factors that must be considered in these regulatory interpretations are numerous and highly context dependent.

As a result, the federal agency states that it is not practical to provide guidance that is uniformly applicable. It states that regional and state inspectors “on the ground” will still be utilized to address this issue since they:

... have a fuller picture of a given facility's entire process, allowing them to make appropriate determinations on a case-by-case basis.

EPA does provide in the remainder of the December 4, 2020, guidance letter information that it believes would be helpful when considering POLYM treatment in generator accumulation containers. The information includes:

1. Small quantity generators (SQG) and large quantity generators (LQG) with central accumulation areas are subject to the Part 265 Subpart I container standards or Part 265 Subpart J tank

standards regardless of whether they are accumulating or treating the hazardous waste in the units (see page 10168 of the preamble of the March 24, 1986 Federal Register).

2. SQGs and very small quantity generators (VSQGs) are not subject to the air emissions standards in Part 265 Subpart CC. LQGs are the only category of generator that must comply with Part 265 Subpart CC (see § 262.17(a)(1)).
3. A waste container with a design capacity that is less than or equal to 26.4 gallons ( 0.1 m<sup>3</sup>) is not subject to the air emissions standards in Part 265 Subpart CC (see § 265.1080(b)(2)). This may be useful to your members that are LQGs with smaller operations.
4. If an LQG certifies that a hazardous waste accumulation/treatment unit is equipped with an operating air emission control in accordance with an applicable Clean Air Act regulation codified in 40 CFR Part 60, 61, or 63, then the hazardous waste unit is not subject to Part 265 Subpart CC (see § 265.1080(b)(7)).
5. Polymerization as a waste treatment method could, in some instances, meet the definition of a waste stabilization process, as defined in § 265 .1081 in Part 265 Subpart CC. If so, and if the polymerization occurs in containers with a design capacity of greater than 26.4 gallons, then the generator treatment containers would be subject to the Container Level 3 standards under Subpart CC (see § 265.1087(b)(2)).
6. If the generator is treating to meet the Land Disposal Restrictions (LOR) treatment standard, the generator must have a Waste Analysis Plan (WAP) (see § 268.7(a)(5)).

A copy of the letter can be downloaded [here](#).