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Hazardous Waste Portable Storage Vessels	Document No.	4003.001
	Revision No.	1.0
	Effective Date	

## 1.0 Purpose

1.1 The purpose of this policy is to describe:

1.1.1 How the Arizona Department of Environmental Quality (ADEQ) interprets and defines “container” and “tank,” in relation to portable storage vessels; and

1.1.2 ADEQ’s approach to the regulation of portable storage vessels (e.g., portable tanks, roll-off containers, cargo tanks, railroad tank cars).

## 2.0 Revision History

Date	Rev. No.	Change	Ref. Section
6/29/05	1.0	Policy Revision, New Format	0046.000

## 3.0 Persons Affected

3.1 Hazardous Waste Inspections and Compliance Unit and Hazardous Waste Permits Unit, Waste Programs Division

## 4.0 Policy.

The policy of ADEQ is to ensure that:

4.1 Portable storage vessels are correctly characterized.

## 5.0 Definitions

5.1 Portable storage vessels are commonly used by generators, and treatment, storage, and disposal facilities for hazardous waste storage. Under ARS 49-921 through 49-932 and AAC R18-8-260 through R18-8-280, ADEQ regulates hazardous waste containers and tanks. Depending on its characteristics, a portable storage vessel might fit either of these definitions:

5.1.1 Container means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

5.1.2 Tank means a stationary device, designed to contain an accumulation of hazardous waste which is constructed primarily of non-earthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

5.1.3 Cargo tank means a bulk packaging that:

5.1.3.1 Is a tank intended primarily for the carriage of liquids or gases and includes appurtenances, reinforcements, fittings, and closures (for the definition of a tank, *see* 49 CFR 178.320, 178.337-1, or 178.338-1, as applicable);

5.1.3.2 Is permanently attached to or forms a part of a motor vehicle, or is not permanently attached to a motor vehicle but which, by reason of its size, construction or attachment to a motor vehicle is loaded or unloaded without being removed from the motor vehicle; and

5.1.3.3 Is not fabricated under a specification for cylinders, intermediate bulk containers, multi-unit tank car tanks, portable tanks, or tank cars.

## 6.0 Responsibilities

6.1 All staff in the Hazardous Waste Inspections and Compliance Unit and Hazardous Waste Permits Unit is responsible for knowledge and implementation of this policy.

6.2 Supervisors are responsible for assuring that the information contained in this policy is consistently and equitably applied by all staff.

## 7.0 Procedures

7.1 In ADEQ's view, a portable storage vessel is likely to be characterized as a container if all of the following factors are present:

7.1.1 It is intended for, and is in actual use in the waste handling process as a portable device moving hazardous waste from place to place on-site;

7.1.2 It is capable of being moved while filled by the application of a lifting or pulling force by on-site equipment; and

7.1.3 It retains its structural integrity while being moved or transported in a filled condition.

7.2 A portable storage vessel is likely to be characterized by ADEQ as a tank if any of the following factors are present:

7.2.1 It is stationary in its actual use in the waste handling process;

7.2.2 It is not capable of being moved or transported while filled by the application of a lifting or pulling force by onsite equipment; and

7.2.3 It is attached or clamped to any anchor, slab, or other structure, including bedrock, by a cable, chain, turnbuckle, bolt, or other means that must be removed prior to the application of a lifting or pulling force for the purpose of transporting the portable storage vessel.

7.3 A portable storage vessel which is a cargo tank or a tank car is likely to be characterized by ADEQ as a tank when the cargo tank or tank car is in fixed or on-site use. This view is consistent with Department of Transportation's (DOT) regulatory approach.

## 8.0 Additional Documentation

8.1 Arizona Revised Statutes (A.R.S.) Title 49, Chapter 5, Article 2, Hazardous Waste Management.

8.2 Arizona Administrative Code (A.A.C) Title 18, Section 8, Article 2, Hazardous Wastes, Parts 260 - 280.

8.3 40 CFR §260.10, as incorporated by R18-8-260, contains definitions of container and tank.

8.4 49 CFR §171.8, defines cargo tank.