

Definition of Empty

§ 261.7 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 section, is not subject to regulation under parts 261 through 268, 270 or 124 of this chapter or to the notification requirements of section 3010 of RCRA.
- (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 section, is subject to regulation under parts 261 through 268, 270 and 124 of this chapter and to the notification requirements of section 3010 of RCRA.
- (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 listed in §§ 261.31 or 261.33(e) of this chapter is empty if:
- (i) 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*
 - (ii) No more than 2.5 centimeters (1 inch) of residue remain on the bottom of the container or inner liner, *or*
 - (iii) (A) No more than 3 percent 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 119 gallons in size; or
(B) No more 0.3 percent by weight of the total capacity of the container remains in the container or inner liner if the container is greater than 119 gallons in size.
- (2) A container that has held 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 §§ 261.31 or 261.33(e) is empty if:
- (i) The container or inner liner has been triple rinsed using a solvent capable of removing the commercial chemical product or manufacturing chemical intermediate;
 - (ii) The container or inner liner has been cleaned by another method that has been shown in scientific literature, or by tests conducted by the generator, to achieve equivalent removal; or
 - (iii) In the case of the container, the inner liner that prevented contact of the commercial chemical product or manufacturing chemical intermediate with the container, has been removed.