

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT

January 2004

2. Amount of Waste Generated per Month Determines Generator Status

An individual generates 75 kg of non-acutely hazardous waste each month from January to November. Instead of shipping this waste off site for disposal, the generator accumulates the waste on site in containers. In December, the generator produces an additional 75 kg of non-acutely hazardous waste and hires a transporter to ship a total of 900 kg off site for treatment and disposal. Is this generator subject to the conditionally exempt small quantity generator (CESQG) requirements or the small quantity generator (SQG) regulations during the month of December?

This generator is subject to the CESQG regulations during the month of December because it generated no more than 100 kg of non-acutely hazardous waste in that month and accumulated no more than 1,000 kg of non-acutely hazardous waste on site at any one time (40 CFR §261.5). Generator status is based upon the amount of waste generated per calendar month and the total amount accumulated on site at any one time. The amount of waste shipped off site at any one time does not affect generator status, provided the waste is shipped off site prior to exceeding accumulation limits. If the generator accumulates more than a total of 1,000 kg of hazardous waste on site at any one time, then it would be subject to all provisions applicable to SQGs, including the §262.34(d) accumulation standards.

In addition, this individual can generate 1 kg or less of acutely hazardous waste per calendar month and remain subject to the reduced CESQG regulations for the acutely hazardous waste, provided that no more than 1 kg of acutely hazardous waste is accumulated on site at any one time. If the amount generated or accumulated on site exceeds these thresholds, then all of the acutely hazardous waste would be subject to full regulation as applicable to large quantity generators (§261.5(e)).