

9453.1987(04)

July 14, 1987

Michael C. Weisberg
MCW, Inco., Consulting Engineers
101 Laughing Cow Road
Woodside, CA 94062

Dear Mr. Weisberg:

This is in response to your letter of May 19, 1987, in which you request an interpretation of how the EPA hazardous waste regulations apply to a generator recycling hazardous waste on-site. First, from the information you provided, we start with the premise that the generator has a spent liquid ink waste that exhibits the characteristic of ignitability. The answers to your specific questions are as follows:

- (1) A generator who complies with the special accumulation provisions of 40 CFR §262.34 may treat his waste on-site in his accumulation tanks or containers without obtaining a permit or having interim status. Among other things, the rules require that the waste remain in the accumulation/treatment vessel for a maximum of 90 days. Further, a company may market treatment equipment to waste generators (or anyone else) without a permit or any approval from EPA. EPA only regulates those persons who actually manage hazardous waste.
- (2) When a characteristic hazardous waste is treated so that it no longer exhibits any characteristic, the resultant waste is no longer considered hazardous.
- (3) You may recycle waste at your customers' sites if you so wish. Generators of waste (your customers) are responsible for complying with 40 CFR Part 262. In addition, if they store waste in tanks or containers for more than 90 days (or store it in any other type of unit for any length of time), they would need to get a storage permit.

However, you point out, EPA does not currently regulate the actual process of reclamation, so the distillation activity you describe would not lead to additional requirements for a waste generator.

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If you have further questions in this area, please contact Mike Petruska, of my staff, at (202) 475-6676.

Sincerely,

Marcia E. Williams, Director
Office of Solid Waste