

3. Generator Storage Requirements for Part 266, Subpart F, Precious Metals

40 CFR Part 266, Subpart F, outlines the requirements for persons who generate, transport, or store recyclable materials utilized for precious metals recovery. Hazardous wastes which contain economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, or ruthenium are covered by these regulations when reclaimed and are considered recyclable materials. Generators managing these recyclable materials are required to notify EPA of their hazardous waste management activities, comply with the use of the manifest, and keep records to show the materials are not being accumulated speculatively (266.70). If a generator is accumulating recyclable materials to be utilized for precious metals recovery, are they required to store the materials in RCRA-regulated management units (i.e., containers, tanks, or containment buildings)?

No. A generator accumulating materials that contain economically significant amounts of precious metals under Part 266, Subpart F, is not required to store the materials in RCRA-regulated management units. EPA provided a partial exemption from Subtitle C for wastes containing precious metals because EPA assumes that these materials will be managed carefully due to their economic value. Since hazardous wastes containing economically significant amounts of precious metals are handled carefully from the point of generation to the point of recovery, the storage of these wastes prior to reclamation is not subject to full RCRA Subtitle C regulation (261.6(a)(2)(iii)). Although the precious metals being reclaimed are not subject to accumulation storage provisions, generators are responsible for counting the waste when it is generated in order to determine how much hazardous waste they generate each month (50 FR 652; January 4, 1985).