

Ms. Jennifer J. Peters
Sr. Vice President/Regulatory Affairs
The Silver Council
2300 M Street, N.W.
Suite 800
Washington, DC 20037

Dear Ms. Peters:

Thank you for your letter requesting information about the Resource Conservation and Recovery Act hazardous waste management regulations. Specifically, you ask about circumstances under which a generator may recycle its own hazardous waste on-site without counting the waste toward the monthly hazardous waste quantity determination used to determine the generator's regulatory status (e.g., large or small quantity generator). We apologize for the delay in our response.

The regulations at 40 Code of Federal Regulations (CFR) 261.5(c)(3) state that "When making the quantity determinations of this part and 40 CFR part 262, the generator must include all hazardous waste that it generates, except hazardous waste that . . . is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 40 CFR 261.6(c)2"

In your letter, you state that silver-bearing solution that is removed from a photo processing machine may be carried directly to an onsite silver recycling unit in buckets or other similar means of conveyance. You ask whether EPA would consider recycling under these circumstances to have occurred "without prior storage and accumulation."

As explained to you by Ann Codrington, of the Office of Solid Waste, it is not necessary that a generator install direct piping connections between the waste generation process and the recycling unit in order to meet the conditions for not counting hazardous wastes under §261.5(c)(3). Silver-bearing solution may be

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transferred via a bucket if the solution that is removed from the processing machine is transferred immediately from the machine to the recycling unit. A generator need not count the silver-bearing solution against the monthly waste accumulation limit if no storage or accumulation has taken place. If however, the photo processor stores or accumulates the silver bearing solution before it is recycled, the solution would have to be counted towards the monthly quantity of hazardous waste generated.

Please note that the preceding is an explanation of federal regulations. The Environmental Protection Agency authorizes states to implement the hazardous waste management program. In authorized states, the states' regulations are in effect in lieu of the federal regulations. States may also adopt regulations that are more stringent than the federal regulations. Thus, a generator in an authorized state should contact the state implementing agency to determine how this issue is handled under the state hazardous waste program.

For further questions in this area, please contact Ann Codrington at 703-308-8825 or Richard Lashier at 703-308-8796.

Sincerely,

Elizabeth Cotsworth, Acting Director
Office of Solid Waste