

9432.1986(13)

MOBILE SOLVENT RECYCLER, GENERATOR DETERMINATION FOR

AUG 6 1986

Honorable Matthew J. Rinaldo  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Rinaldo:

Thank you for your July 1, 1986, letter on behalf of your constituent Mr. Paul DeCosimo. Mr. DeCosimo requests an interpretation as to whether he would be considered a co-generator of hazardous waste as a result of recycling solvent at a generator's site using a mobile treatment technology. Based on the information provided by Mr. DeCosimo, we do not believe that he would be considered a co-generator for regulatory purposes under most circumstances.

A generator is defined in Section 260.10 of the hazardous waste regulations as, "...any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation." Since the spent solvent is presumably already a hazardous waste prior to Mr. DeCosimo coming onto the generator's site, and since the solvent is likely to have been accumulated prior to being recycled, the hazardous spent solvent would already have been subject to regulation under the accumulation provisions of Part 262 of the hazardous waste regulations. Thus, none of the actions taken by Mr. DeCosimo would appear, in the limited circumstances described in his letter, to cause him to become subject to RCRA liability as a RCRA hazardous waste generator.

Mr. DeCosimo should, of course, be aware of that if he transports a hazardous waste off of the generation site, he would be considered a hazardous waste transporter subject to regulation.

If you have any further questions, please call Bob Axelrad at (202) 382-5218.

Sincerely,

Original Document signed

J. Winston Porter  
Assistant Administrator