

## 2. Biennial Reporting for Wastes Treated in Exempt Units

In February 1993, a site generated 2,000 kg of hazardous waste, of which 1,500 kg was a spent solvent classified as F001 and 500 kg was characteristically ignitable (D001). The F001 was accumulated on-site in accordance with the 262.34 generator standards and then shipped off-site for disposal. The D001 was piped directly to a wastewater treatment unit for subsequent discharge under a Clean Water Act permit (270.1(c)(2)(v)).

In order to determine RCRA hazardous waste generator status, and applicable regulations, the site's owner/operator must count hazardous waste generated in every calendar month. For example, a site which generates greater than 1,000 kg of hazardous waste in a calendar month is deemed large quantity and is subject to full generator standards, whereas a site which generates less than 100 kg is subject to the reduced regulatory requirements of 261.5. In determining generator status, the site must count all wastes that are subject to the substantive standards related to storage, transportation, treatment, or disposal of hazardous wastes (51 FR 10153; March 24, 1986).

In this situation, the F001 was subject to substantive regulation under 262.34, therefore, the site counted the 1,500 kg in determining their generator status. The generator or owner/operator did not, however, count the 500 kg of D001 wastes, because this waste was not subject to substantive regulation (51 FR 10152; March 24, 1986). Therefore, in February, the site was classified as a large quantity generator for the month and subject to all of the standards of Part 262, including the biennial reporting requirements of 262.41. The Biennial Report requires a description of the characteristics and quantity of hazardous waste generated during the reporting year. Must the site's Biennial Report address only wastes which are counted toward the generation rate, or must other wastes generated at the site, such as the D001, also be included?

Although the D001 waste would not need to be counted in determining generator status, the owner/operator should identify this waste, as well as the F001 waste, on the Biennial Report form. The Biennial Report instructions specifically request generators to report on waste treated in exempt units, if the site is required to file a Biennial Report. The Biennial Report data is frequently used by states to analyze the adequacy of hazardous waste management capacity and must, therefore, be comprehensive (1993 Hazardous Waste Report Instructions and Forms).