

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT

December 2003

3. Recordkeeping Requirements for Owners or Operators Assuming Generator Responsibilities

An individual operates a dry cleaning business that has been generating hazardous waste since 1980. A new owner buys the facility in June 2003 and assumes the generator responsibilities, which includes keeping records of hazardous waste activities (e.g., signed manifests) for at least three years from the time the waste was first sent off site (40 CFR Section 262.40). Must the new owner or operator keep the records from the previous generator's activities for a period of three years or does the new owner or operator begin the recordkeeping process on the date the individual becomes the generator (i.e., June 1, 2003)?

The new owner or operator must maintain records from the previous three years of activities at the site, not three years from the date on which the individual assumes the generator responsibilities. The requirement to have generators retain records of previous site activity for three years is not an unreasonable burden since most generators opt to keep copies for their own records. These records may demonstrate proper management of the waste by the generator should there be a problem in subsequent transportation, handling, or disposal (51 FR 10146, 10159; March 24, 1986). Therefore, in this scenario, records of hazardous waste sent off site from this facility in March 2002, prior to the ownership change, should remain in the new owner's records until March 2005.

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