

9453.1989(04)

OFFICE OF SOLID WASTE AND EMERGENCY RESPONSE

APR 18 1989

Mr. Eric E. Boyd
Sidley & Austin
One First National Plaza
Chicago, IL 60603

Dear Mr. Boyd:

This is in response to your letter of March 13, 1989 in which you requested clarification of the regulations that apply to still bottoms generated and removed from a recycling unit. Specifically, you inquired as to when the waste accumulation time begins in an on-site solvent recycling operation. The accumulation time for still bottoms resulting from the recycling of spent solvent begins when the still bottoms are removed from the distillation unit. The recycling unit is exempt from regulation, therefore, the still bottoms are considered to be a newly generated waste eligible for accumulation under the provisions of 40 CFR Section 262.34. They are also a "derived from" waste and carry the same EPA waste code as the spent solvent from which they were derived (40 CFR 261.3 (c)(2)(i)).

The spent solvent which is recycled by your client is a hazardous waste subject to regulation. The generator must determine his generator status, i.e. conditionally exempt generator (40 CFR Section 261.5), small quantity generator (40 CFR Section 262.34(d-f)), or large quantity generator (40 CFR Section 262.34(a-b)), based on the total amount of hazardous waste he generates in a calendar month, which includes the total amount of spent solvent before recycling. The accumulation time for the spent solvent under the provisions of 40 CFR Section 262.34 is 90 days, or 180 days if your client is a small quantity generator of between 100 and 1000 kilograms of hazardous waste in a month.

If we can be of any further assistance, please contact Emily Roth at (202) 382-4777.

RO 11420

Sincerely,

Original Document signed

Sylvia K. Lowrance
Director
Office of Solid Waste