

QUESTION: What responsibility, if any, does a generator of hazardous waste have for residues produced from the recycling of his waste? For example, corrosive hazardous wastes produced by numerous generators are transported to the same recycler. The recycled hazardous wastes result in the generation of by-products that are also hazardous wastes. Are the original generators liable under RCRA if hazardous wastes generated by the recycler are mismanaged?

ANSWER: No; hazardous wastes generated during the recycling operation are new wastes, and the recycler is viewed as the generator. Thus, the recycler is responsible for compliance with Part 262, Standards Applicable to Generators of Hazardous Wastes, for the hazardous wastes by-products produced from his recycling activities.

SOURCE: Jill Weller (382-7709)

