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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

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3. Waste Minimization

Section 3002(b) of the Solid Waste Disposal Act (SWDA), as amended, requires that a generator sign a certification on the manifest (EPA form 8700-22) and on the biennial report. The certification states that the generator "has a program in place to reduce the volume or quantity and toxicity of such waste to the degree determined by the generator to be economically practicable." If a generator of hazardous waste reclaims and reuses some of the hazardous waste on-site and sends the rest off-site for recycling, can the generator certify that a waste minimization program is in place since the volume of hazardous waste actually disposed of has been minimized?

The waste minimization provision of SWDA §3002(b) is a self-implementing program in which the choice of compliance mechanisms is to be made by the generator in light of his/her own particular circumstances. The waste minimization requirement is met for the purpose of certification when the generator makes a good faith effort to minimize threats to human health and the environment. EPA has determined that various management practices conducted by a generator can be viewed as forms of waste minimization, e.g., participation in a waste exchange, recycling of solvents, and that these practices are consistent with the Congressional intent of the requirement (see Senate Report No. 284, 98th Congress, 1st Session 66 (1983)). These activities reduce the volume of waste disposed of by the individual generator and also minimize the overall quantity of hazardous waste disposed of by allowing continual reuse of hazardous substances. Therefore, in the case described above, the generator may sign the certification on the manifest since the generator has a waste minimization program in place.

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