

9432.1985(02)

## RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MAY 85

### Generator Determination

5. While on maneuvers, a U.S. Naval vessel generates various hazardous wastes on board, such as spent listed solvents and reactive wastes. These wastes are placed in containers while still on the vessel. The vessel docks at a shipyard and the wastes are unloaded from the ship and placed on the pier. The owner/Operator (o/o) of the shipyard stores the wastes for up to 90 days without a storage permit and then manifests the waste for shipment off-site. Is the naval vessel or the shipyard operator the generator of the waste? If the shipyard operator is considered the generator, is he entitled to the 90 day accumulation time per §262.347

The naval vessel is considered the site where the waste is generated. Language in the October 30, 1980, Federal Register (45 FR 72024) states that in certain cases a waste is not generated until it is removed from a product or raw material transport vessel. This naval vessel is not a product or raw material transport vessel; it is the site where a process produces a hazardous waste and is the generator according to the definition in §260.10. The shipyard operator is not the generator and is not authorized to store wastes for up to 90 days without a permit.

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