

9441.1987(10)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

FEBRUARY 87

1. Small Quantity Generator Determination

A recycler regenerates listed spent solvent (F005) that he receives from off-site. The recycler burns the still bottoms and a portion of the reclaimed solvent on-site in an industrial furnace. He sells the remaining reclaimed solvent to two companies: one that will burn it as fuel and one that will use the solvent for its solvent properties. How does the recycler count the still bottoms and reclaimed solvent for the purpose of small quantity generator monthly quantity determinations?

The recycler must include the still bottoms in his quantity determinations because they are hazardous wastes generated on-site and burned for energy recovery. As a hazardous waste fuel, they are subject to 40 CFR Part 266 Subpart D. According to §261.5(c), a generator must count wastes subject to Part 266 subpart D in his monthly quantity determination. The reclaimed solvent fuels that are burned on-site and marketed off-site are subject to Part 266 Subpart D and the counting requirements.

The only waste quantity that the recycler does not include in his quantity determinations is the reclaimed solvent that will be used for its solvent properties. 40 CFR 261.3(c)(2)(i) exempts reclaimed materials that will be used beneficially from regulation as waste as long as they are not burned for energy recovery or used in a manner constituting disposal. Because the reclaimed solvent will be used as solvent and not a fuel or product applied to the land, it would not be included in the monthly quantity determinations.

Source: Mike Petruska (202) 475-8551
Specialist: Jennifer Brock (202) 382-3112