

3. Medical Waste Generators

Two generators share a medical waste incinerator. One generator owns the building in which the incinerator is housed, and the land underneath. The second generator owns an adjoining piece of property, with a building that is physically attached to the first generator's building; the second generator also owns the incinerator (located in the basement of the first generator's building). Medical waste from both generators is burned in the unit. Which generator has responsibility for maintaining the incineration log, and submitting the reports required under 40 CFR Section 259.62?

Both generators are responsible for maintaining an incineration log as required under Section 259.61; the incinerator is located "on-site" for both facilities (the term "on-site" is defined in 40 CFR Section 260.10 and is incorporated by reference in Section 259.10(a)). The generators may choose to keep separate logs or a combined log for the incinerator. The requirement to report under Section 259.62 is placed on the owner or operator of the incinerator: if the second generator owns the incinerator while the first generator operates it or if both operate it, then the two generators must decide which of them will assume the responsibility for submitting the report. If the same generator both owns and operates the unit, then that generator must submit the report under Section 259.62.

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