

9521.1986(05A)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

MAY 86

2. Interim Status and SQGs

A small quantity generator (SQG) has been treating hazardous waste on-site in compliance with 40 CFR 261.5(g) since May 1980. During the month of January 1986, the generator produced more than 1000 kgs. of hazardous waste, exceeding the quantity limitation for SQGs. Now, the hazardous waste must be managed as large quantity generator waste according to 40 CFR Part 262. The hazardous waste must be sent off-site or managed on-site at a facility which is RCRA permitted or in interim status. Since the generator has been a SQG up to this point, the generator never obtained interim status for his SQG waste treatment facility. Can the generator now obtain interim status in order to continue treating the waste on-site?

According to Section 3005(e) of RCRA, any owner/operator (o/o) may obtain interim status if the o/o meets three requirements, and has not already been denied a permit. The first requirement the o/o must meet is to be in existence on November 19, 1980, or on the effective date of regulatory changes which first render the facility subject to the permit requirements. The above mentioned generator meets this requirement because the facility was treating hazardous waste on November 19, 1980 even though the o/o was not subject to substantive regulations.

The second requirement the o/o must meet is to comply with Section 3010 of SWDA. Section 3010 required the o/o of a treatment, storage, or disposal facility to submit a notification of hazardous waste activity form within 90 days of the date when the hazardous waste first became subject to regulation. Because small quantity generators were exempted under 40 CFR 261.5 from the 3010 notification requirement, this o/o need not have submitted a 3010 notification in order to obtain interim status per 40 CFR 270.70.

Finally, Section 3005(e) requires the o/o to submit a permit application. Where, as here, the facility becomes subject to RCRA permitting due to changes at the facility, not regulatory

action, 40 CFR 270.10 requires the o/o to submit Part A of the permit application within 30 days of the date the facility first becomes subject to 40 CFR Parts 265 or 266.

Source: Carrie Wehling (202) 475-8067

Research: Ingrid Rosencrantz