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RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

AUGUST 87

3. 100-1000 kg/mo Generators

40 CFR part 262 states that a 100-1000 kg/mo generator has 180 days to store hazardous waste without a permit or interim status. If the waste is shipped more than 200 miles, the generator is allowed to store waste on-site for up to 270 days. It is permissible for a 100-1000 kg/mo generator to ship waste to a TSD facility more than 200 miles away, even though the generator could send the shipment to a facility less than 200 miles away?

40 CFR part 262 contains no regulations addressing when a generator is permitted to ship waste in excess of 200 miles, and thus receive an extra 90 days storage time. 40 CFR 262.40 states that a generator can store hazardous waste for 270 days, "if he must transport his waste or offer his waste for transportation over a distance of 200 miles or more." The preamble notes that "the Agency has decided not to establish specific criteria for determining if a generator may accumulate waste on-site for 180 or 270 days. EPA believes that such criteria would not serve any useful purpose... ." "In addition, the Agency was concerned that establishing criteria for demonstrating that the closest facility was greater than 200 miles from the generation site would be unnecessarily confusing and could have the perverse effect of causing waste to go to less desirable management practices (e.g., where a disposal facility is located within 200 miles while a recycling facility is located over 200 miles from the generator, the generator could be forced to utilize the less desirable disposal facility)." Therefore, it would be permissible for a generator to send hazardous waste to a facility greater than 200 miles away even though there is a TSD facility closer than 200

miles away.

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