

9522.1983(02)

MAJOR HANDLERS OF HW - DEFINITION

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MEMORANDUM

SUBJECT: Definition of "Major Handlers" of Hazardous Waste

FROM: Lee M. Thomas
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TO: Program Implementation Guidance Addressees

ISSUE

What definition will provide consistency in the designation by EPA and authorized States of "major handlers" of hazardous waste?

DISCUSSION

Compliance with the 40 CFR Parts 270 and 271 requires certain hazardous waste handlers to be designated as "major." This designation is intended to identify, for administrative purposes, environmentally significant hazardous waste handlers and to be used in concentrating inspection, permitting, and reporting resources on those handlers.

The original definition of a "major handler" of hazardous waste, which was the subject of PIG-82-2 (May 14, 1982), was based on information available to the Agency at the time, including our experience with imminent hazard and Superfund sites. It was a first step in providing a uniform, nationally consistent standard to identify major handlers to serve as a focus for limited RCRA resources. As more data have become available, it has become evident that changes and clarifications to the existing definition would make it more useful in the implementation of RCRA. That revision is identified below.

The States and EPA Regional Offices should jointly develop

updated lists of designated "major handlers" based on this revised definition. The lists will be used by authorized States and the Regions for program implementation, budget decisions, inspections, reporting, and permit overview. The increased attention which must be directed to these facilities is resource intensive. Thus, the resulting lists of major handlers will be considered in the budget planning process for allocations of resources. The effective implementation date for this definition is October 1, 1984. The Regions and the States will develop lists of major handlers on the basis of this definition during FY 1984 for use in FY 1985.

DECISION

The following hazardous waste handling activities are to be designated as "major":

- I. All facilities subject to ground-water monitoring and/or protection requirements
- II. All incinerators
- III. Up to 10% of remaining TSD's
- IV. Up to 3% of generators and transporters

Percentages are to be based on the number of known handlers in HWDMS as of October 1, 1983. EPA or the State may add facilities, generators or transporters to the list, subject to the 10% and 3% ceilings, and shall notify the other party in writing. However, the deletion of any facility, generator or transporter must be agreed to in writing by both parties. The list will be reviewed and renegotiated at least annually.

Reporting requirements in 40 CFR 270.5 or in the annual RCRA Guidance which refer to major handlers apply to the above designated list. Those major handlers which comprise categories I,II, and III are designated as major facilities for EPA permit overview.