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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

May 1, 1996

Ms. Young Mi Kim  
5080 Likini Street #913  
Honolulu, Hawaii 96818

Dear Ms. Kim:

Thank you for your letter of March 21, 1996 to President Clinton requesting information about the management of hazardous waste generated in quantities less than 100 kilograms. Specifically, you ask why hazardous waste is thrown away with ordinary garbage and what happens to the waste when it is thrown away.

Generators of less than 100 kilograms of hazardous waste per month are currently referred to as "conditionally exempt small quantity generators" (CESQGs) and are exempt from many of the hazardous waste regulations found at Title 40 of the Code of Federal Regulations. Although they are exempt from the majority of hazardous waste regulations, these generators are still subject to some requirements. First, they must identify their wastes to determine whether they are hazardous; second, they cannot accumulate more than 1,000 kilograms of hazardous waste at any time; and third, they must either treat or dispose of the waste onsite, or ensure that it is sent to a permitted hazardous waste management facility, a permitted municipal or industrial solid waste facility, or a recycling facility. Therefore CESQGs are not exempted outright, but are exempted on the condition that the waste is managed at an approved facility. These provisions were intended to assure that human health and the environment are protected.

Additionally, federal regulations allow states to adopt more stringent regulations if they choose, and some states have chosen not to exempt CESQGs from many of the hazardous waste generator requirements. These requirements are imposed through state municipal or industrial waste registration programs.

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When designing the hazardous waste management program in the late 1970s, EPA chose 100 kilograms as the point at which significant regulation would apply because it sought to exclude from the regulations persons whose generation of hazardous waste does not pose a substantial threat to human health or the environment. At that time more than 90 percent of the hazardous waste was generated by large quantity generators. The Agency believes that in order to be as effective as possible at implementing the hazardous waste program with limited resources, it must focus on those generators who generate hazardous waste in significant quantities, rather than attempt to cover every generator of hazardous waste (there are more than 215,000 hazardous waste generators who generate greater than 100 kilograms of hazardous waste per year and between 455,000 and 700,000 CESQGs in the U.S.). By excluding CESQGs from most hazardous waste regulations, EPA is able to focus on the overall environmental objectives of the Agency.

Additionally, small amounts of hazardous wastes may be included in household wastes which are currently not regulated under EPA's hazardous waste requirements. Many state and local governments impose regulations governing the disposal of household wastes and may organize collection centers for household hazardous wastes. In addition EPA has issued standards for municipal solid waste landfills. These requirements for municipal landfills which are implemented by the states, are structured so that the public is protected from potential hazards associated with landfills that receive hazardous waste. These landfills are subject to requirements that minimize hazards including location restrictions (e.g., they cannot be located near flood plains or faults), operating criteria (e.g., they must be covered every day), and strict groundwater monitoring requirements. These measures help ensure that the hazardous waste that ends up in landfills does not pose a threat to human health and the environment.

For your information, we have included three EPA publications which may be of help in clarifying EPA's waste management program for generators of small quantities of hazardous waste. They are Solving the Hazardous Waste Problem: EPA's RCRA program; Understanding the Small Quantity Generator Hazardous Waste Rules: A Handbook for Small Business; Safer Disposal for Solid Waste: The Federal Regulations for Landfills; Criteria for Solid Waste Disposal Facilities: A Guide for Owners/Operators; and

Household Hazardous Waste Management: A Manual for One-Day  
Community Collection Programs. We hope this information addresses  
your concerns.

Sincerely yours,

Michael Shapiro, Director  
Office of Solid Waste

Enclosures