

RCRA, SUPERFUND & EPCRA CALL CENTER MONTHLY REPORT
January 2003

1. Frequently Asked Questions on Generator Treatment

1. Are small quantity generators (SQGs) and large quantity generators (LQGs) allowed to treat hazardous waste on site without obtaining a permit?

SQGs and LQGs may treat hazardous waste on site without a permit provided they are in compliance with the applicable provisions in 40 CFR Section 262.34, and provided that the treatment is not thermal treatment (51 FR 10146, 10168; March 24, 1986). For example, in order to treat hazardous waste without a permit, an LQG must be accumulating hazardous waste on site for less than 90 days in accordance with Section 262.34, and the waste must be placed in generator accumulation units that are in compliance with Part 265, Subparts I, J, W, and/or DD. Generators should check with their implementing agencies before treating waste in accordance with Section 262.34. Some authorized states are more stringent than the federal program and require a permit for generator treatment activities.

2. Is a conditionally exempt small quantity generator (CESQG) allowed to treat hazardous waste on site without obtaining a permit?

CESQGs may treat or dispose of hazardous waste on site without a permit if the facility meets one of the conditions listed in Sections 261.5(g)(3)(iii) through (vii). If a CESQG does not meet one of these conditions, the facility must have a permit under Part 270, or operate in interim status under Parts 270 and 265 before treating or disposing of waste on site (Sections 261.5(g)(3)(i) and (ii)).

3. May a generator conduct thermal treatment without obtaining a permit?

A generator may not conduct thermal treatment without a permit. Thermal treatment is regulated under Part 265, Subpart P; Part 264/265, Subpart O; Part 264, Subpart X; or Part 266, Subpart H. The generator "permit exemption" for treatment only extends to treatment activities that share the same standards as storage (i.e., the treatment must occur in tanks, containers, or containment buildings). The standards for thermal treatment are different from Section 262.34 storage requirements; therefore, thermal treatment may not be performed in generator accumulation units without a permit.

4. May a SQG treat hazardous waste in containment buildings or on drip pads?

A SQG cannot treat in containment buildings or on drip pads and continue to operate under the reduced requirements for SQGs set forth in Section 262.34(d). Containment buildings and drip pads are LQG accumulation units (Sections 262.34(a)(iii) and (iv)). A

SQG may treat hazardous waste in containment buildings or on drip pads if the generator complies with the more stringent LQG requirements, such as personnel training and contingency plans as required in Section 262.34(a)(4). In addition, a SQG would have to close those accumulation units in accordance with Sections 265.111(a) and (b), and Section 265.114, as well as comply with a 90-day accumulation period rather than a 180-day accumulation period.

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