

Program Implementation Policy

Hazardous Waste/Toxics Use Reduction Policy Title: CEGs Treating Hazardous Waste On-Site

Policy Number: 1995-PO-001

Effective Date: 12/20/95

Purpose

This policy clarifies that Conditionally Exempt Generators (CEGs) are allowed to treat their own wastes on-site.

Discussion

The rules applicable to Conditionally Exempt Generators (CEGs)¹ are found in 40 CFR 261.5.

40 CFR 261.5 (f)(3) and (g)(3) state that a CEG may treat their hazardous waste in an on-site facility that is either:

- A permitted hazardous waste facility;
- Authorized by a State to manage hazardous waste;
- Permitted, licensed or registered to manage municipal or industrial solid waste²; or
- A facility that recycles hazardous waste.

Therefore, a CEG can only treat their waste on-site if their site is considered one of the facilities above.

Large Quantity Generators (LQG)³ and Small Quantity Generators (SQG)⁴ can treat wastes on-site without a permit, as long as they are in compliance with accumulation standards in 40 CFR 262.34 and container

¹ CEGs generate up to 2.2 lbs of acutely hazardous waste per month, or 220 pounds of hazardous waste per month and can accumulate up to 2.2 lbs of acutely hazardous waste or 2,200 lbs of hazardous waste.

² Facilities permitted or authorized to manage municipal or industrial solid waste must also be permitted to take CEG hazardous waste, i.e. taking CEG hazardous waste can not be prohibited in their permit.

³ LQGs generate over 2.2 lbs of acutely hazardous waste per month or 2,200 lbs of hazardous waste per month.

⁴ SQGs generate between 220 lbs and 2,200 lbs of hazardous waste per month.

and/or tank standards in 40 CFR 265 Subpart I and 40 CFR 265 Subpart J. EPA discussed this provision in the March 24, 1986 Federal Register page 10168. The discussion of generators treating on-site without a permit is tied to the accumulation standards in 40 CFR 262.34. These standards do not apply to CEGs, and therefore the discussion of generators treating on-site without a permit does not extend to CEGs.

CEGs are normally less stringently regulated than SQGs or LQGs, except in this instance of on-site treatment. It appears to be a technical oversight of EPA to have omitted CEGs from the March 24, 1986 Federal Register discussion of on-site generator treatment provisions. The Department intends to afford CEGs the same on-site treatment provisions now available to SQGs and LQGs. This is consistent with the intent of the "conditional" exemption from most hazardous waste regulations for CEGs. In addition, 40 CFR 270.1(c)(2)(iii) exempts facilities that only manage CEG waste from obtaining a RCRA permit.

CEGs will be allowed to treat waste on-site without a permit in accumulation tanks or containers, as long as those containers are in compliance with accumulation standards in 40 CFR 262.34 and containers and/or tank standards in 40 CFR 265 Subparts I and J.

If a SQG or LQG treats waste to meet land disposal restrictions (LDR), a waste analysis plan must be submitted to DEQ 30 days before treatment begins. This requirement does not apply to CEGs, since CEGs are excluded from LDR requirements.



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