

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

November 4, 1994

The Honorable Tim Johnson
U.S. House of Representatives
Washington D.C. 20515

Dear Congressman Johnson:

Thank you for your letter of October 24, 1994 to Administrator Browner encouraging the Environmental Protection Agency (EPA) to adopt changes to current RCRA regulations regarding university laboratories. Specifically, you urge EPA to exempt universities from regulations which require that hazardous waste generators obtain EPA identification numbers for each site at which hazardous waste is generated.

The regulations at 40 CFR 262.12 require generators who “treat, store, dispose of, transport, or offer for transportation hazardous waste...” to have an EPA Identification number. Many colleges and universities have asked for clarification on the issue of hazardous waste generator identification numbers because the physical layouts of campuses can confuse the issue of how many identification numbers are needed.

In 40 CFR 260.10, EPA defines “Individual Generation Site” as:

...the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more source of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

Many universities are divided by public roads or other right-of-ways that they do not control. If the entry and exit between two parts of a campus are directly across from each other, or across the junction of two crossroads, they are considered geographically contiguous. However, if a person must travel along a public road to go from one part of a campus to another, the sites are considered non-contiguous.

A metropolitan campus may be constructed on a number of city blocks, creating a situation where campus buildings are separated by city streets and it is necessary to travel along public streets to go from one part of the campus to another. In these cases, each generation site (e.g., each city block or each part of campus) must be assigned its own EPA identification number and hazardous wastes

transported from one site to another must be accompanied by a manifest. This includes hazardous waste transported from one campus building to another building where the buildings are divided by a public street. This requirement was established to ensure that hazardous wastes transported along public highways are properly described on a manifest so that they can be identified in the case of an emergency.

In your example of South Dakota University, two streets run through the university and waste from various parts of the campus are consolidated in one area. Because of the varying configurations of colleges and universities, it is difficult to determine from your description whether waste would need to be transported along public right-of-ways to reach a consolidation point in another section of the campus. If the campus is divided by a road and waste does not need to travel along the road to reach another portion of its campus, it may be considered an individual generation site.

Please be aware that states with authorized programs may impose more stringent requirements. Generally, when questions are based on site-specific factors, the determination is best made by the State or EPA Region implementing the RCRA program for a particular state.

We are aware that universities are interested in developing alternative ways of tracking waste shipments that would also ensure the waste is safely managed, and are certainly willing to consider proposals that would be most cost efficient while still protective. This type of new tracking system would require changes to our regulations, and of course we would have to consider such changes in light of our competing priorities.. If resources permit, the Agency will continue to analyze this issue to see if a change in the regulations for non-contiguous sites is warranted.

We hope this information satisfies your concerns.

Sincerely yours,

Michael Shapiro, Director
Office of Solid Waste

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