



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

Date: 11.19.2021

**COVERSHEET: EXPLANATION OF CITATION AND/OR TERMINOLOGY CHANGES IN THIS POLICY DOCUMENT**

This policy document remains wholly in effect, but some or all of the regulatory citations within it have changed. These changes do not alter the existing regulatory interpretations.

As part of the [2016 Hazardous Waste Generator Improvements Rule](#), many of the regulations that apply to hazardous waste generators were moved to, or reorganized within, title 40 of the Code of Federal Regulations (CFR) part 262. To view a crosswalk between the old and new citations, please visit the [Hazardous Waste Generator Regulations Crosswalk webpage](#).

The Hazardous Waste Generator Improvements Rule also made changes to terms that may be included in this document. The most common term change was replacing “conditionally exempt small quantity generators” (CESQGs) with “very small quantity generators” (VSQGs). In addition, EPA defined the term “central accumulation area” (CAA) to mean a generator’s 90- or 180-day accumulation area for hazardous waste.

A handwritten signature in black ink that reads "Jessica Young". The signature is written in a cursive, flowing style.

Jessica Young  
Chief of the Recycling and Generator Branch  
Office of Resource Conservation and Recovery

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

AUGUST 10, 1995

Mr. Keith H. McCoy  
CPI Corp.  
1706 Washington Avenue  
St. Louis, MO 63103

Dear Mr. McCoy:

This letter is a follow-up to a recent telephone conversation that you had with Stephen Bergman of my staff regarding several questions you raised in an October 12, 1994 letter concerning silver recovery at photofinishing laboratories. I understand that Stephen faxed you a copy of our August 4, 1995 letter to Kodak on silver recovery and that the letter resolved all of your questions but one.

The remaining issue pertains to the status of spent silver-bearing photo fixer going for reclamation. I understand that you are seeking OSW concurrence that the spent fixer is a characteristic by-product being reclaimed and therefore exempt from the definition of solid waste.

Unfortunately, we are not able to concur. The spent fixer as you described it to Stephen in your conversation meets the 40 CFR §261.1(c) (1) definition of a spent material and therefore, when going for reclamation, is regulated as a solid waste under §261.2(c) (3). However, whether or not the photo lab must comply with any regulations as a hazardous waste generator is dependent upon whether the spent material is accumulated prior to reclamation and whether it is reclaimed on-site.

As long as a lab doesn't accumulate the spent material prior to reclamation, the lab is not subject to any requirements as a hazardous waste generator, including the 40 CFR §§261.5 and 262.34 "counting" requirements used to determine the generator's status based upon the volume of waste generated.

If accumulation does occur prior to reclamation, the lab is required to "count" the volume of waste generated in order to determine its generator status. The regulations that the lab would be required to follow are then dependent upon that status, whether it is a conditionally exempt small quantity generator, a small quantity generator or a large quantity generator. For your information, I have enclosed an EPA handbook on hazardous waste regulations that was developed for small businesses to help them determine whether or not they are hazardous waste generators and, if so, how they are regulated.

FaxBack # 11914

In any event, whether or not the spent material is accumulated, the status of the silver recovery unit (as described in the letter to Kodak) remains unchanged. The silver recovery unit is a characteristic sludge being reclaimed and therefore is not a solid waste and therefore not a hazardous waste.

If you require any additional information, please call Stephen Bergman of my staff at (202) 260-5944.

Sincerely,

Michael Petruska, Chief  
Regulatory Development Branch