

3. Definition of **Licensed Facility**.

The "Hotline" Staff had previously received an interpretation on the meaning of "permitted licensed or registered by the state" in 40 CFR 261.5(g)(3)(IV). This interpretation recently came into question but has been reaffirmed by Bruce Weddle. The Agency's position is that this section was included in the Small Quantity Generator regulations to allow those states with a permitting or licensing program to regulate facilities handling exclusively hazardous wastes from SQGs. In those states without a formal program the Agency has interpreted the term "registered" to include facilities which have informed state or local governmental units of their activities and to exclude those who are handling such waste in secret or without such notice.

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