



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

OFFICE OF  
LAND AND EMERGENCY  
MANAGEMENT

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**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

6. A company owns several facilities which generate waste solvents. The company is considering using an outside contractor with a mobile recycling unit to go to each facility on a regular basis to recycle the waste solvents on-site. The contractor would generate from the recycling process a useable solvent product and still-bottom wastes. The contractor would leave both the product solvent and still-bottom waste at the facility in which the recycling took place. Under RCRA, who is considered the generator of the still-bottom wastes; the facility or the contractor with the mobile unit? Also, would the generator be allowed 90-day accumulation of the still-bottom wastes per 262.34?

This situation where one person owns and operates a manufacturing unit and another person is used to reclaim spent solvents and spent catalysts is addressed in the October 30, 1980 Federal Register (45 FR 72024). The definition of generator in 260.10 is "...any person, by site, whose act or process produces hazardous waste..." Thus, both the owner/operator of the facility and the operator of the mobile recycling unit could be considered generators of the still-bottom hazardous wastes. However they should mutually agree to have one party perform the generator responsibilities. Where this is done, the Agency will look to that designated party to perform the generator duties. If EPA does not know which party by mutual agreement is appointed to carry out the generator duties, the Agency will ... initially look to the operator of the unit to fulfill the generator duties..." (45 FR 72020). The 90-day accumulation period would apply in this case per 262.34.

Source: Carolyn Barley (202) 382-2217

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