

9454.1986(01)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JANUARY 86

2. Hazardous Waste Fuel Brokers

A waste broker makes purchase arrangements between generators and burners of hazardous waste fuel. Although the broker never physically possesses the waste nor stores it on his property, he does own it temporarily and handles all billing and invoices. The generator ships the waste directly to the burner. Is the broker a marketer of hazardous waste fuel, even though he never possesses it?

Sections 3010(a)(3) and 3004(q)(1)(C) of RCRA, as amended, require marketers or distributors of hazardous waste fuel to notify the EPA of hazardous waste fuel activities (see §266.34(b) and 50 FR 49204).

Because the broker does own the waste at one point, he is responsible for the waste fuel during the time he owns it. Ownership, rather than physical possession, is the criterion used in determining if one is a marketer because it is possible to possess or handle the waste without owning it. For example, some transporters possess a waste during transportation but do not actually own it at any time. Therefore, the broker in this situation is a marketer or distributor of the waste fuel and must comply with all applicable marketer requirements set forth in §266.34 (50 FR 49204).