

PPC 9452.1986(03)

WASTE MINIMIZATION AND INCLUSION OF RECYCLING

FEB 6 1986

Mr. Robert Fixter
Assistant Environmental Manager
S&W Waste Inc.
115 Jacobus Avenue
South Kearney, New Jersey 07032

Dear Mr. Fixter:

Thank you for your letter of January 15, 1986, requesting clarification of the term "waste minimization" as it appears in the Hazardous and Solid Waste Amendments (HWSA) of 1984. In particular, your letter requests guidance as to whether the following practice would be considered a waste minimization program.

A commercial treatment, storage, and disposal (TSD) facility accepts waste solvents and oils from off-site, the TSD blends these wastes on-site to meet certain specifications for use as a fuel extender by off-site Resource Conservation and Recovery Act (RCRA) permitted industrial furnaces. The Wastes are subsequently recycled, as fuel extenders and reused in an economically beneficial manufacturing program.

The HWSA establishes a national policy for minimization of hazardous waste, and requires that waste minimization considerations be addressed in RCRA transport manifests, biennial reports, and on-site TSD permits. The Agency has not developed guidance on what constitutes a waste minimization program or a waste minimization activity and, at this time, has no plans to do so. It is hoped that activities such as source reduction and recycling will be explored by individual generators to reduce the volume or quantity and toxicity of hazardous waste generated.

The reports that accompanied the HSWA spelled out Congress' intent with regard to the waste minimization requirements in HSWA. As the report states, both waste minimization requirements for the transport manifest and biennial report refer to a certification by the generator that a program is in place to reduce

the volume or quantity and toxicity of hazardous waste to the degree determined by the generator to be economically practicable, and that the proposed method of treatment, storage or disposal is that practicable method currently available to the generator which minimizes present and future threats to human health and the environment. While the requirement to make the waste minimization certification is mandatory, the nature of the criteria for such certification and the determination of compliance with those criteria are to be made solely by the generator.

This makes it clear that Congress' objective for waste minimization program certification is to encourage generators to seek voluntarily ways or programs to reduce the quantity and toxicity of generated waste. The reports further state that recycling pollutants, contained in effluents, emissions, wastes, or other pollution streams is one, but by no means the only, way of implementing this national policy of waste minimization. A fundamental premise of RCRA is and continues to be to encourage the reuse of materials.

As the legislative history suggests and as the Environmental Protection Agency (EPA) has stated, generators that recycle wastes on-site or send their waste off-site to be recycled are engaging in an activity which may be considered waste minimization.

The Agency appreciates your concern with the waste minimization program definition. If you should have any further questions, please contact James R. Berlow, Manager of the Treatment, Recycling, and Reduction Program at (202) 382-7917.

Sincerely

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Marcia Williams
Director
Office of Solid Waste (WH-562)