



## 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

Ms. Jennifer J. Peters  
Sr. Vice President/Regulatory Affairs  
The Silver Council  
2300 M Street, N.W.  
Suite 800  
Washington, DC 20037

Dear Ms. Peters:

Thank you for your letter requesting information about the Resource Conservation and Recovery Act hazardous waste management regulations. Specifically, you ask about circumstances under which a generator may recycle its own hazardous waste on-site without counting the waste toward the monthly hazardous waste quantity determination used to determine the generator's regulatory status (e.g., large or small quantity generator). We apologize for the delay in our response.

The regulations at 40 Code of Federal Regulations (CFR) 261.5(c)(3) state that "When making the quantity determinations of this part and 40 CFR part 262, the generator must include all hazardous waste that it generates, except hazardous waste that . . . is recycled, without prior storage or accumulation, only in an on-site process subject to regulation under 40 CFR 261.6(c)2 . . . ."

In your letter, you state that silver-bearing solution that is removed from a photo processing machine may be carried directly to an onsite silver recycling unit in buckets or other similar means of conveyance. You ask whether EPA would consider recycling under these circumstances to have occurred "without prior storage and accumulation."

As explained to you by Ann Codrington, of the Office of Solid Waste, it is not necessary that a generator install direct piping connections between the waste generation process and the recycling unit in order to meet the conditions for not counting hazardous wastes under §261.5(c)(3). Silver-bearing solution may be

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transferred via a bucket if the solution that is removed from the processing machine is transferred immediately from the machine to the recycling unit. A generator need not count the silver-bearing solution against the monthly waste accumulation limit if no storage or accumulation has taken place. If however, the photo processor stores or accumulates the silver bearing solution before it is recycled, the solution would have to be counted towards the monthly quantity of hazardous waste generated.

Please note that the preceding is an explanation of federal regulations. The Environmental Protection Agency authorizes states to implement the hazardous waste management program. In authorized states, the states' regulations are in effect in lieu of the federal regulations. States may also adopt regulations that are more stringent than the federal regulations. Thus, a generator in an authorized state should contact the state implementing agency to determine how this issue is handled under the state hazardous waste program.

For further questions in this area, please contact Ann Codrington at 703-308-8825 or Richard Lashier at 703-308-8796.

Sincerely,

Elizabeth Cotsworth, Acting Director  
Office of Solid Waste