



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

July 18, 2000

Mr. Larry Moothart, Manager
Belshire Environmental Services, Inc.
PMB 269
25422 Trabuco Road #105
Lake Forest, CA 92630-2797

Dear Mr. Moothart:

Thank you for your letter of March 9, 2000 regarding the regulatory status under the Resource Conservation and Recovery Act (RCRA) of treatment of soil contaminated with metal constituents in a device you describe as a container. You ask whether your treatment activity can be carried out under the generator accumulation provisions of 40 CFR section 262.34, without a RCRA permit.

The process you describe involves the treatment of soil in a container, where the contaminated soil is mixed with a Acement like material.@ You are correct in pointing out that Anothing in Section 262.34 precludes a generator from treating waste when it is in an accumulation tank or container covered by that provision.@ (Generators may treat wastes in accumulation tanks and containers as long as they comply with the provisions of ' 262.34.) Indeed, the Environmental Protection Agency (EPA) has explicitly confirmed that the generator exemption may apply to hazardous waste cleanups (see memorandum from Timothy Fields, Jr. and Steven A. Herman to the RCRA/CERCLA Senior Policy Managers, October 14, 1998, attached). Under the federal RCRA program, your treatment activity would not require a RCRA permit, as long as the device in which the treatment takes place meets the definition of a container (or other accumulation unit allowed under ' 262.34), the applicable provisions of part 265, (e.g., subpart I for containers) are followed, and the time limits and other applicable requirements of ' 262.34 are met.

Please note that this position represents only the federal requirements regarding allowable treatment in a generator accumulation device, based on the information you have provided. However, states that are authorized to implement the RCRA program may have more stringent requirements than the federal program. Therefore, and

because your situation is site-specific in nature, the proper authority to address your question regarding allowable treatment in generator accumulation devices is the State of California, or the authorized state where the activity is being conducted. If the state where your activity is being conducted is not authorized, then the appropriate contact is the EPA Regional Office. For more information on California's requirements, contact:

Frederick S. Moss, Chief
Permitting Division
Department of Toxic Substances Control
P. O. Box 806
Sacramento, CA 95812-0806

Thank you for the opportunity to respond to your letter. If you have any further questions, please contact Jeff Gaines of my staff at (703) 308-8655.

Sincerely,

Elizabeth A. Cotsworth, Director
Office of Solid Waste

Enclosure

cc: Steve Heare, OSW
Sonya Sasseville, OSW
Ann Codrington, OSW
Karen Kraus, OGC
Jim Thompson, OECA
Cheryl Nelson, EPA Region IX

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