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Department of Environmental Quality

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E. Patricia Vernon
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Dear Pat,

This is in response to your letter to the Department dated January 28, 1999, regarding the regulatory status of spent photo fixer that collected in the photo processing unit, and then is transferred from the unit to a silver recycling unit. Specifically, you asked if this spent photo fixer is required to be counted for generator category determination if the material is manually transferred (i.e., hand carried) in a container to a silver recycling unit.

Enclosed is a recent EPA policy interpretation letter to Ms. Jennifer Peters of The Silver Council from Elizabeth Cotsworth, Acting Director, US EPA Office of Solid Waste, dated March 22, 1999, that we believe addresses your concerns. Also enclosed is a booklet entitled RCRA InFocus Photo Processing, prepared by EPA which discusses waste management for photo processors. According to the interpretation, spent fixer that is **immediately** transferred from a photo processing unit to an **on-site** silver recycling unit is not required to be counted or included in the monthly waste accumulation generator category determination, if no storage or accumulation of the spent fixer material has occurred prior to the recycling.

For the purposes of this interpretation, the DEQ adds the following clarifications:

1. The container receiving the spent fixer from the photo processing unit is located in or near to the processing unit;
2. "Generation" of the spent fixer is at the time it is first removed from the photo processing unit;
3. Once the spent fixer is removed from the photo processing unit, it must be immediately conveyed by pipe or manually carried in a closed container to the on-site silver reclamation unit;
4. "Immediately", for the purposes of this interpretation, means that the spent fixer is transferred directly to the silver reclamation unit once it is generated (i.e., removed) from the photo processing unit;
5. Containers of spent fixer that are removed from the photo processing unit and that are left unattended for **any** period of time are not considered to have been transferred **immediately** upon generation. The quantities of spent fixer would be considered accumulated or stored waste subject to substantive hazardous waste management requirements, beginning with counting for the purposes of determining monthly generator status; and
6. Facilities performing on-site reclamation of spent fixer must notify the Department of their recycling activity using the Department's hazardous waste notification form regardless of their generator status. Generators who have already notified the Department of their hazardous waste activity do not need to renotify.

As an aside, although Oregon is intending to implement its current program consistent with the attached federal policy, the Department is concerned with the overall impact to the environment of ongoing wastewater releases. The HW Program is evaluating possible alternatives regarding wastewater management. The outcome of this work may eventually lead to different management approaches for wastewater whether it is managed as a result of recycling or as a means of treatment.

Please contact me at (503) 229-6585 or Rick Volpel at (503) 229-6753 if you have additional questions regarding this matter.

Sincerely,

Anne R. Price, Manager
Hazardous Waste Policy
and Program Development

Enclosures: 1. [March 22, 1999 EPA Photo Fixer Letter](#)
 2. [RCRA InFocus Photo Processing](#)