

Hazardous Waste/Toxics Use Reduction

Policy Title: Counting Recycled Hazardous Waste

Policy Number: 2001-PO-006

Effective Date: June 19, 2001

What is the purpose of this policy?

This policy provides guidance to Department staff on "counting" hazardous waste as it applies to the federal hazardous waste counting requirements of 261.5(c). This policy is intended solely as guidance for employees of the Department of Environmental Quality (DEQ). It does not constitute rulemaking by the Environmental Quality Commission and may not be relied upon to create a right or benefit, substantive or procedural, enforceable by law or in equity, by any person. DEQ may take action at variance with this policy statement.

To whom does this policy apply?

This policy applies to hazardous waste generators counting hazardous waste to determine generator category when the secondary material¹ is being recycled:

1. On-site without prior accumulation; or
2. On-site multiple times during a calendar month.

Why is this policy needed?

This policy is designed to assist DEQ field staff in making hazardous waste compliance determinations.

Discussion

The Department encourages the recycling of hazardous secondary materials, especially when it can be done in a manner that minimizes the amount of waste accumulated on-site that is required to be managed as hazardous waste. This counting guidance is designed to promote the reduction of the amount of spent materials accumulated on-site prior to recycling.

¹ For the purposes of this discussion, secondary materials are defined as residues that have the potential to be solid wastes and hazardous wastes when recycled, depending on how they are recycled.

Reasons to count

Reasons to count hazardous waste include:

- To determine generator category (*e.g.*, conditionally exempt, small or large quantity);
- To comply with generator requirements associated with submitting Hazardous Waste Annual Reports; and
- To determine if a hazardous waste reduction plan should be submitted.

How often to count

Generators must count their hazardous waste generated each calendar month. Significant changes in the monthly total can cause a change in the generator's status.

Counting and Recycling without prior Accumulation or Storage

For the purposes of this policy, "accumulation" and "storage" will have the same meaning, that is, the holding of hazardous waste for a temporary period of time, at the end of which the hazardous waste is treated (including being recycled), disposed of, or stored elsewhere.

"Spent material"² that is **immediately** transferred from a "process unit"³ to an **on-site** "recycling unit"⁴ is not required to be counted or included in the monthly waste accumulation generator category determination, if no storage or accumulation of the spent material has occurred prior to the recycling. If however the generator stores or accumulates the waste before it is recycled or reclaimed, the waste would have to

² A "spent material" is any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing. For the purposes of this policy, the material is a hazardous waste (either listed or characteristic hazardous waste).

³ A "process unit" can include but is not limited to a photo processing unit, solvent parts cleaning unit, spray gun cleaner, painting tool cleaning station or a fiberglass tool cleaning station.

⁴ A "recycling unit" can include but is not limited to a silver recovery unit, solvent still or filtration unit.



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be counted towards the monthly quantity of hazardous waste generated.

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). Waste may be transferred via a container if the waste removed from the process unit is transferred immediately to the recycling unit.

For the purposes of this guidance, the following clarifications are added:

1. The container receiving the spent material from the process unit is located in or near the process unit;
2. "Generation" of the "spent material" occurs at the time the container is disconnected or disassociated from the process unit;
3. Once the spent material is removed from the process unit, it must be immediately conveyed by pipe or manually carried in a closed container to the on-site recycling unit;
4. "Immediately", for the purposes of this interpretation, means that the spent material is transferred directly to the recycling unit once it is generated (*i.e.*, removed) from the process unit;
5. Containers of spent material that are disconnected or disassociated from the process unit and that are left unattended for any period of time are not considered to have been transferred immediately upon generation to the recycling unit. The quantities of spent material 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 recycling of spent material meeting the definition of hazardous waste 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.

Counting and the Multiple Counting Exemption

The "multiple counting exemption" applies only to a time frame of one calendar month and is often used when wastes are stored or accumulated prior to recycling. It is intended to eliminate the multiple counting of spent materials that are reclaimed and then reused many times during that month. Spent materials (for example, solvents) which are generated, reclaimed, and reused (all occurring onsite) are counted once each month the material is generated.

Spent materials are counted only once during the month the material becomes spent, no matter how many times the solvent was reused during that month. All still bottoms and makeup solvent added for use are also counted during the calendar month.

The monthly waste total for the waste processed through the recycling unit will be the total pounds of these three waste streams:

Total monthly waste = first batch (or maximum capacity of the recycling unit) + still bottoms + makeup solvent

Tips for measuring these waste streams:

- **Spent solvent entering the still (or maximum capacity of recycling unit)** – Weigh what goes into the still, or measure the volume and convert it to pounds. To convert to pounds, weigh a gallon of spent solvent, then multiply the gallons recycled by this weight. Solvent weight may also be found on the solvent material safety data sheet.
- **Still Bottoms** – Weigh the amount of still bottoms recovered from each still batch.
- **Make-up Solvent** – Weigh any new solvent added each month.

Management of accumulated solvent prior to recycling

Accumulated spent materials are subject to applicable management requirements depending on generator category. At a minimum, the waste will need to be stored in a closed container in good condition. Any spills of spent solvent must be cleaned up immediately.