

9441.1985(28a)

RCRA/SUPERFUND HOTLINE MONTHLY SUMMARY

JULY 85

Reclamation, and the Manifest

A photography lab generates between 100 kg/month and 1000 kg/month of a spent material which is EP toxic for silver. The lab does preliminary reclamation of the silver and then sends the recyclable material off-site for further reclamation. a) Since the lab is generating between 100 kg/month and 1000 kg/month, must it keep the records prescribed in §266.70(c) for persons who store recyclable precious metals? b) Must the partially reclaimed precious metal be shipped with a manifest if the material is sent off-site for final reclamation?

a) No; the lab is not currently subject to the recordkeeping requirements of §266.70(c). A SQG that beneficially uses or re-uses, or legitimately recycles or reclaims the waste is not subject to regulation according to §261.5(g)(3)(v)(A). Therefore, the photography lab reclaiming silver from the spent material would not have to keep the records required by §266.70(c) until the lab exceeds the 1000 kg SQG accumulation limit.

The proposed SQG regulation dated August 1, 1985, (50 FR 31278) was published pursuant to §3001 of the Solid Waste Disposal Act (SWDA) as amended by 221 of P.L. 98-616. Section 3001(d) requires the EPA Administrator to promulgate standards by March 31, 1986, under Sections 3002, 3003, and 3004 of SWDA for hazardous waste generated between 100 kg/month and 1000 kg/month.

This proposed rule would require generators between 100 kg/month and 1000 kg/month to comply with the recordkeeping requirements of §266.70(c).

b) Yes; the partially reclaimed material which is sent off-site for final reclamation is subject to the reduced manifest requirements per §3001 of SWDA, as amended by §221 of P.L. 98-616, effective August 5, 1985. The requirements are less stringent compared to the requirements applicable to generators of 1000 kg/month or more.

Generators between 100 kg/month and 1000 kg/month need only complete certain

portions of the Uniform Hazardous Waste Manifest (Manifest). Section 3001(d)(3)(A) through (E) states that the Manifest shall contain the

following information:

- the name and address of the generator of the waste;
- the United States Department of Transportation (DOT) description of the waste, including the proper shipping name, hazard class, and identification number (UN/NA), if applicable;
- the number and type of containers;
- the quantity of waste being transported; and
- the name and address of the facility designated to receive the waste.

These Manifest requirements will change effective March 31, 1986.

Section 3001(d)(8) of SWDA states that additional information will be required unless the EPA Administrator promulgates standards by March 31, 1986. Specifically, this "hammer provision" will require generators between 100 kg/month and

- include the name of the waste transporters and the name and address of the facility designated to receive the waste;
- treat, store, or dispose of hazardous waste at a facility with interim status or a RCRA permit (except for on-site storage subject to reduced requirements);
- file manifest exception reports; and
- retain copies of the manifest signed by the designated facility that has received the waste for three years.

The SQG proposed rule dated August 1, 1985, (50 FR 31278) specifies Manifest requirements for generators between 100 kg/month and 1000 kg/month. these generators are subject to reduced requirements when reclaiming hazardous wastes in compliance with §262.20(e).

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