



# Counting Spent Solvents to Determine Hazardous Waste Generator Status

## Generator responsibility

A generator of a solid waste, as defined in 40 CFR §§ 261.10 and 261.2, must determine if the solid waste is a regulated hazardous waste under the State of Idaho Hazardous Waste Management Act (HWMA)/ Federal Resource Conservation and Recovery Act (RCRA). A generator must then determine the facility's generator status by totaling the amount of regulated hazardous waste accumulated in excess of the accumulation quantities under 40 CFR §§ 261.5 (g)(2) and 262.34(d).

There are three types of regulated generator status facilities:

- ▶ Conditionally Exempt Small Quantity Generator (CESQG)—220 lbs. generated each month or 2200 lbs. accumulated on-site.
- ▶ Small Quantity Generator (SQG)—

between 220 lbs. and 2200 lbs. generated each month or 13,200 lbs. accumulated on-site.

- ▶ Large Quantity Generator (LQG)—2200 lbs. generated each month or 13,200 lbs. accumulated on-site.

Generation and accumulation of acutely hazardous waste (AHW) for a facility's generator status are not discussed in this document.

## Spent solvents

One type of solid waste is a spent material 40 CFR § 261.1 (c)(1) "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."

Spent material may be recycled for reuse either at the facility or off-site of the generating facility. Spent solvent is one common type of solid waste generated by a variety of industries. If the

spent solvent meets the definition of a regulated hazardous waste under 40 CFR § 261.3, as either listed and/or characteristic, the facility must count the spent solvent towards the facility's generator status.

## How to count spent solvents for on-site recycling

### Scenario A:

A facility does not recycle a regulated spent solvent on-site, but disposes or recycles off-site. The entire amount of spent solvent generated is counted in the facility's generator status.

### Scenario B:

A facility accumulates spent solvent prior to recycling. Because of prior accumulation the spent solvent becomes subject to the accumulation requirements of 40 CFR § 262.34 and the entire amount of spent solvent must be counted towards the facility's generator status. The still bottoms or sludge from the recycling process

**should not** be counted because the spent solvent has already been counted once when generated and accumulated.

Once the spent solvent is recycled, the usable solvent is no longer regulated as a hazardous waste, but is managed as a product.

If a solvent is recycled more than once in a calendar month, and accumulated prior to each recycling, the amount of accumulated spent solvent must be counted each time and added towards the facility's generator status. The still bottoms or sludge from each recycling process **should not** be counted because the spent solvent has already been counted once per each generation and accumulation.

### Scenario C

A facility does not accumulate spent solvent prior to recycling. Spent solvent is recycled on a continuous or daily basis, within 24 hours of generation. The State of Idaho has determined 24 hours as the allowable time limit for accumulation of spent materials prior to the recycling process to allow for continuous or batch recycling on a daily basis. Only the amount of still bottoms generated from the recycling

process must be counted towards the facility's generator status. Because the spent solvent is recycled on a daily basis the total spent solvent is not required and **should not** be counted toward the facility's generator status.

If a solvent is spent and recycled more than once in a calendar month, without accumulation prior to each recycling, the amount of still bottoms or sludge must be counted each time and added towards the facility's generator status. The total amount of spent solvent entering each recycling process **should not** be counted each recycling process.

A more detailed description of counting of spent material and recycled hazardous waste is found in Federal Register Vol. 51, No. 56, Monday, March 24, 1986

### For more information

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