Fact Sheet

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B|E|P
Nevada Business
Environmental Program
Assisting Nevada businesses since 1988

Determining Your Generator Status

It's important to know your hazardous waste "generator status". The law makes you responsible for managing the hazardous wastes generated at your business according to a number of specific requirements stated in the regulations. The number of specific requirements which apply to you depend upon the amount of hazardous waste produced at your business in a calendar month.

Your generator status will fall under one of three different generator categories

1. **Conditionally Exempt Small Quantity Generator** (CESQG) - Generates less than 100 kilograms (kg) or 220 lbs. of hazardous waste in a month. This generator status has the fewest requirements.
2. **Small Quantity Generators** (SQG) - Generate between 100 and 1,000 kg. or 220 and 2,200 lbs. of hazardous waste in a month. This generator status has additional on-site management, transportation, recordkeeping, and reporting requirements.
3. **Large Quantity Generators** (LQG) - Generate more than 1,000 kg. or 2,200 lbs. of hazardous waste or 1 kg. of acutely hazardous waste (P-list) in a month.

In order to determine your generator status you must be able to identify your hazardous wastes. For information on how to determine if your wastes are regulated hazardous wastes, contact the Business Environmental Program at (800) 882-3233.

Once you've determined which wastes are hazardous waste you then need to establish a system to measure the amount of waste generated each month. Certain types of hazardous waste are not counted toward your generator status when they are handled under certain exemptions, or if they are managed under specific circumstances on-site. In addition, your generator status depends on how much waste is produced in a month rather than the amount that is shipped off-site. Therefore, it is important to have a method to measure the amount of wastes that are placed in tanks or containers to accumulate prior to recycling, treatment, or disposal.

Exempt Wastes:

The most common exempt wastes are lead acid batteries that are being recycled, used oil that is burned for energy recovery or recycled, and used antifreeze that is recycled. As long as these materials are being picked up and recycled (or oil is burned on-site in a used oil heater), they are not considered hazardous wastes and do not count toward your generator status.

In some circumstances other materials are not regulated as hazardous wastes if they are being recycled, and do not count toward your generator status. In addition, many types of mining wastes that do not come from equipment maintenance or laboratories are exempt from hazardous waste regulations and are not counted in determining generator status. For additional information on recycling exemptions contact BEP.

Recycling or Treating Wastes On-site:

Although some types of on-site treatment require a permit, many types of on-site treatment and most on-site recycling are exempt from hazardous waste permitting requirements. If you treat or recycle hazardous waste at your business without accumulating or storing the waste prior to treating or recycling it, then that waste is not counted when determining your generator status. If hazardous waste is generated as a residual from the treatment or recycling then the hazardous waste residual is counted toward your generator status. Here are a few examples:

Example 1:

A solvent still is being used to re-distill waste solvent at a business. The solvent is used in a cleaning tank and is removed directly to the solvent still when spent. Since the solvent is not accumulated or stored in a tank or container (other than the process unit it is used in) prior to recycling, the spent solvent waste is not counted when determining generator status. Still bottoms or "muck" from the bottom of the still is considered to be hazardous waste if "F" listed waste solvents are distilled or if the still bottoms fail the TCLP test. The quantity of the still bottoms produced is counted when determining generator status.

Example 2:

A business accumulates waste solvent from paint clean-up operations in a container. Periodically the waste solvent is removed from the container and recycled in the still. Since the waste solvent is being stored or accumulated prior to recycling the waste solvent is counted when determining generator status.

Once you have distilled and recovered the waste solvent for reuse on-site you do not count that distilled solvent toward your waste generation if you use it and distill it again. The waste solvent is only counted toward your generator status the first time you recycle it at your site. As an example, you accumulate five gallons of waste solvent and then run it through the still. You recover four gallons of distilled solvent and end up with about a gallon of still bottoms or "muck".

You reuse the four gallons of distilled solvent along with a gallon of fresh solvent that you purchased. Eventually you again accumulate five gallons of waste solvent and recycle it in the still. Since four gallons of the waste solvent are from solvent you previously distilled on-site and then reused, you do not count these four gallons of waste solvent toward your generator status. You are distilling them for the second time. You count only one gallon of solvent that is being distilled for the first time. Again you end up with about four gallons of distilled solvent and 1 gallon of still bottoms or "muck". As the process continues, you would count only spent solvent that you have not already distilled when determining your generator status.

But what about the still bottoms or "muck" you generate from your still. Since this material is a residual from the recycling process, and you have already counted the quantity of hazardous waste that entered the recycling unit, you have already counted this material once. You do not count the still bottoms or muck separately to determine your generator status.

As a general rule, do not count residuals, filters, sludges, etc, from a treatment or recycling unit if you counted the hazardous waste entering the unit in determining your generator status. If you did not count the waste entering the unit as a hazardous waste in determining your generator status, than any residuals from the unit which are considered hazardous wastes must be counted toward your generator status. Therefore, the still bottoms from Example 1 are counted when determining generator status because the solvent entering the still was not counted.

Measuring Monthly Generation:

It is important to have a system for measuring the amount of waste produced at your business in a month, since generator status will depend on this waste generation rather than the amount you ship off-site at any one time. Therefore, on a monthly basis you need to be able to determine the amount of hazardous waste placed in satellite accumulation units or other tanks and containers prior to onsite treatment or recycling or shipment off-site.

For instance, on the first business day of each month you might measure (guesstimate) the quantity of hazardous waste in each of your hazardous waste tanks and containers (including satellite accumulation units).

Example:

A repair shop has 6 satellite accumulation containers placed in various locations. Each month approximately 5 gallons of hazardous waste is placed in each container. The average density of the waste is 9 lbs./gal. Therefore, the business generates about 270 lbs. of hazardous waste a month, and is considered a small quantity generator.

Up to 55 gallons of hazardous waste can be accumulated in each satellite accumulation unit prior to dating the container and placing it in the central storage area (where it is subject to accumulation time limits). If a monthly assessment of waste generation was not conducted the business might have presumed they were conditionally exempt prior to moving the containers to central storage when in fact they were a small quantity generator. Without a system to properly measure monthly waste generation the business could have been found in violation of many of the requirements which apply to small quantity generators.

If the business makes the mistake of determining their generator status based on the amount of hazardous waste shipped off-site at one time, they might incorrectly determine they are a large quantity generator when they ship off-site the six drums containing 2,970 pounds of waste.

Obviously, it is important to have a monthly measurement system in order to accurately determine generator status and be able to comply with the regulations. A monthly waste generation log will also make completion of biennial report forms much easier.

Source Reduction:

Since your generator status determines the number of requirements that legally apply to you, it is to your advantage to minimize the amount of hazardous waste you generate. This not only reduces the burden of regulations but also can reduce waste management costs, and can improve the competitiveness of your business.

In many cases operating practices, including housekeeping and inventory control, can dramatically reduce waste generation and associated costs. Alternative less hazardous products can be found for many applications which can eliminate hazardous waste production, and production processes and service operations can be designed or modified to eliminate or reduce waste. For more information about source reduction techniques applicable to your business contact BEP at (800) 882-3233.

NEVADA DIVISION OF
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