

Hazardous Waste Generator Regulations Compendium

Volume 3: Co-Generation

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This document includes the following sections:

- Resource View – outlines the document types by which resources are organized.
- Resources by Document Category – lists resources for each document category outlined in the *Resource View*.
- CFR View – provides relevant Code of Federal Regulations (CFR) language reformatted for easy reading.

These three main sections are cross-referenced, i.e., each section includes hyperlinks to the other sections. In addition, each section and its accompanying index include a hyperlink to the Main Index that allows the user to easily navigate from one section to another.

Introduction

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About the Compendium

The Hazardous Waste Generator Regulations Compendium serves as a user-friendly reference to assist regulators, industrial facilities generating and managing solid and hazardous wastes, and the general public in locating resources relevant to specific regulatory topics within the federal hazardous waste generator program.

The objective of this document is to consolidate and streamline the various resources on a topic into a user-friendly format, including references to relevant CFR language, Federal Register (FR) notices, documents posted on RCRA Online (i.e., guidance in the form of memoranda issued by EPA, Q&As, and other publications), and other resources, such as Frequent Questions webpages. The Compendium has been divided into multiple volumes that are available here: www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-compendium.

This document does not change any of the existing solid or hazardous waste requirements, nor does it offer an exhaustive list of relevant resources, as new resources may come into being or older ones may be relevant to a specific issue, but not included. Certain available resources, such as superseded RCRA Online documents, have not been referenced. Rather than including or reproducing referenced resources, this document generally provides hyperlinks to individual resources. As an exception, the Compendium does include relevant sections of the most current CFR regulatory language (as of the date on the cover of the Compendium). The included CFR language has been reformatted to make it easier to read, but it is not a substitute for the official CFR itself, or for the requirements in the CFR. The Government Printing Office frequently updates the e-CFR website; where appropriate, hyperlinks to the respective CFR section at the e-CFR website are provided.

Most states are authorized to administer their own RCRA Subtitle C hazardous waste program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations. State regulations must be at least as stringent as the federal standards, but they can be more stringent. Please visit the following website to determine if the state regulatory program is different from the federal program: <https://www.epa.gov/hwgenerators/links-hazardous-waste-programs-and-us-state-environmental-agencies>, and check with your state agency.

About the Co-Generation Volume

This volume of the Compendium lists resources and CFR language pertaining to co-generation that are found at 40 CFR Parts 260 through 279. For more information regarding other topics that apply to facilities generating hazardous waste, refer to other volumes of the Compendium and [EPA's Hazardous Waste Generators Webpage](#).

Please note that the Hazardous Waste Generator Improvements rule of 2016 created new sections in Part 262, which contains the regulations pertaining to generators. Accordingly, some citations in the generator requirements in older resources in this Compendium are outdated, including references to § 261.5, § 262.34, and others. Please see the preamble to the final Hazardous Waste Generator Improvements rule for a discussion of the reorganization of the regulations (81 FR

85735–85740, November 28, 2016). For a specific crosswalk of the regulation citation changes, refer to www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-crosswalk.

For more information on these regulations and any other questions or comments concerning this document, please contact EPA’s Office of Resource Conservation and Recovery:

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Resource View

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Co-Generation

Resource Index:

- Resource Type:
 - [EPA Memoranda](#)
 - [Question and Answer \(Q&A\)](#)
 - [EPA Training Modules](#)
 - [Federal Register Notices](#)

Resources by Document Category

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Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
Memoranda	11005	Generator Determination - Contractors and Subcontractors	11/18/1980	Liability; Contractor; Subcontractor	
	11013	Applicability of Generator Regulations to On-Site Contractors	5/20/1981	Liability; Tanks; Contractors	
	11053	Laboratory Waste Exclusion	1/23/1985	Hazardous Waste Treatment; Laboratory Waste	
	12438	Laboratory Waste Exclusion	7/31/1985	Laboratory Waste; Samples	
	11128	Ships as Generators	2/5/1986	Oily Waste; Ships; Coast Guard	Partially superseded by RO 12727
	12706	Mobile Solvent Recycler, Generator Determination For	8/6/1986	Hazardous Waste Recycling; Solvents; Mobile Treatment	
	12727	Raw Material Transport Vessel Exclusion for All Wastes Generated on Such Vessels	9/3/1986	Vessels; Point of Generation; Generator Duties	
	11355	Chlorofluorocarbon Recycling	7/21/1988	Characteristic Wastes; Hazardous Waste Determination; Spent Materials; Exclusions (RCRA)	
	11372	Contractors and Generator Responsibilities	10/11/1988	Storage; Tanks; Vessels; U.S. Navy	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	13280	Recycling Activities	5/3/1989	Hazardous Waste Recycling; Mobile Treatment; Land Disposal Restrictions; Permits	
	11571	Ships as Generators and EPA Identification Numbers	12/3/1990	U.S. Navy; EPA ID Numbers	
	11816	Using a Generator Identification Number and/or Manifest to Determine Liability	3/4/1994	Liability; U.S. Navy; EPA ID Numbers; Manifest	
	11913	Generator Status of Contractors Who Remove Lead-Based Paint	8/10/1995	Characteristic Wastes; Construction and Demolition Wastes; Contractors; Liability	
	14027	Co-Generator Policy and Exceptions When A Generator is Designated by a Mutual Agreement Among Co-Generators	3/12/1996	Liability	
	14069	RCRA Applicability to Paint Removal Wastes	3/12/1997	Characteristic Wastes; Construction and Demolition Wastes; Hazardous Waste Identification	
	14882	Wastes Associated with Aircraft Crash Scenarios	7/29/2015	Hazardous Waste Identification; Scrap Metal Recycling	
Q&A	12340	Co-Generation Interpretation	12/1/1984	Hazardous Waste Recycling; Petitions; Mobile Treatment	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s)	Notes
	14116	Self-Transportation of Used Oil by Service Contractors	7/1/1997	Used Oil; Transportation; Co-Generators	
	14719	Contractors as Co-Generators of Universal Waste Lamps	7/1/2004	Universal Waste; Co-Generators; Lamps	
EPA Training Modules	EPA530-K-05-011	Introduction to Generators (40 CFR Part 262)	9/1/2005	Co-Generators	
Federal Register Notices	45 FR 72024	Hazardous Waste Management System, Interim Final Amendment	10/30/1980	Hazardous Waste; Identification and Listing; Generators	Preamble discussion is found on pages 72026-72027
	57 FR 41566	Recycled Used Oil Management Standards, Final Rule	9/10/1992	Co-Generators; Vessels	Preamble discussion is found on pages 41584-41585

CFR View Index

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CFR Location	Title/Topic
260.10	Definition of Hazardous Waste Generator
279.20(a)(2)	Vessels

CFR View

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NOTE: The CFR language may have been excerpted, reformatted and appended with subheadings and explanations/terms in brackets.

§ 260.10 Definitions

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Generator means any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

Hazardous secondary material generator means any person whose act or process produces hazardous secondary materials at the generating facility. For purposes of this paragraph, “generating facility” means all contiguous property owned, leased, or otherwise controlled by the hazardous secondary material generator. For the purposes of § 261.2(a)(2)(ii) and § 261.4(a)(23), a facility that collects hazardous secondary materials from other persons is not the hazardous secondary material generator.

§ 279.20(a)(2) Vessels

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(2) Vessels at sea or at port are not subject to this subpart. For purposes of this subpart, used oil produced on vessels from normal shipboard operations is considered to be generated at the time it is transported ashore. The owner or operator of the vessel and the person(s) removing or accepting used oil from the vessel are co-generators of the used oil and are both responsible for managing the waste in compliance with this subpart once the used oil is transported ashore. The co-generators may decide among them which party will fulfill the requirements of this subpart.