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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C. 20460

August 22, 1995

Mr. James M. Kuszaj
Ogletree, Keakins, Nash,
Smoak & Stewart
4101 Lake Boone Trail
Post Office Box 31608
Raleigh, North Carolina 27622

Dear Mr. Kuszaj:

Thank you for your letter of July 6, 1995, requesting EPA's current interpretation of the requirements in 40 CFR §262.12 regarding EPA identification numbers. You ask the following four questions related to obtaining more than one EPA identification number (I.D. number) for a geographically contiguous piece of property.

Is there any prohibition against maintaining multiple I.D. numbers for the same property?

Can two autonomous divisions of the same company co-located on the same property be considered separate generators and be issued separate I.D. numbers?

Would the answer to the question above be different if the aggregation of waste from both divisions caused one of the divisions to change regulatory classification. For example, to move from a conditionally exempt SQG to a large quantity generator?

Would EPA or the state need to be specifically informed that there are separate I.D. numbers for the same property?

The regulations at 40 CFR §262.12 require a generator to have an EPA I.D. number before treating, storing, disposing of, transporting, or offering for transportation, hazardous waste. Because the regulations do not explicitly state how I.D. numbers should be distributed, you should contact the state authorized to implement the RCRA program in your area with specific questions. Notwithstanding the preceding, the following terms are useful in any discussion of I.D. numbers and their applicability to

generation sites.

The definition of generator found in 40 CFR §260.10 is "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." The definition of a person in 40 CFR §260.10 is "an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body." Individual generation site means the contiguous site at or which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

In your letter you describe two autonomous divisions of a company which occupy different portions of a contiguous piece of property. The company as a whole would meet the definition of "person" in 40 CFR §260.10 and although autonomous, the divisions would not generally be considered separate generators if they operate on a geographically contiguous piece of property meeting the definition of "individual generation site."

Although there is no specific prohibition in the regulations against a generator maintaining multiple I.D. numbers for an individual generation site, the Agency expects each individual generation site to have one I.D. number. Of course the approved state RCRA program may have specific state law requirements which operate in lieu of the federal program.

Requests for multiple I.D. numbers for one individual generation site must be evaluated on a case by case basis by the authorized state (or EPA Regional office in the case of Alaska, Hawaii, Wyoming, Iowa and the U.S. Territories other than Guam) to determine whether the entity (and perhaps its waste streams) can be separated in some meaningful way. Where the entity's accounting practices dictate separate documentation for waste streams, it may make sense for the State or Region to likewise monitor them separately. The Agency does not intend for properties to be subdivided for the purpose of avoiding regulation, e.g. by slipping under the small quantity generator limitation.

EPA assumes that states assigning multiple I.D. numbers for one individual generation site do so because the entity (and perhaps its waste streams) is separate in some meaningful way. Therefore, EPA does not expect to be informed where there is more than one I.D. number for an individual generation site. However, since you state in your letter that the two autonomous divisions owned by the same company were not aware that the other had obtained a separate I.D. number, it may be necessary to inform the state since formal application for two numbers for one individual generation site has not been made and the requisite evaluation has not been done.

Finally, please be reminded that authorized states may impose requirements different than federal requirements which may, among other things, have the effect of limiting or increasing the number of I.D. numbers per individual generation site. If you have further questions on this matter, please contact Ann Codrington of my staff at (202) 260-8551.

Sincerely,

Michael Petruska, Chief
Regulatory Development Branch

Attachment

OGLETREE, DEAKINS, NASH, SMOAK & STEWART
4101 LAKE BOONE TRAIL
POST OFFICE BOX 31608
RALEIGH, NORTH CAROLINA 27622

July 6, 1995

Michael Shapiro Director
Office of Solid Waste
U.S. Environmental Protection Agency
401 M Street, S.W.
Washington, D.C.

Dear Mr. Shapiro:

Re: Generator Identification Numbers
40 C.F.R. §262.12

I am writing to request EPA's current interpretation of the requirements in 40 C.F.R. §262.12 as they relate to generators of hazardous waste obtaining multiple EPA identification numbers for a geographically contiguous piece of property.

My specific questions involve the following facts:

Company A owns a large geographically contiguous piece of property. Two autonomous divisions of Company A occupy different portions of the property. Each division generates and manages its own hazardous waste. Each division applied for and obtained from either EPA or the state a unique generator identification number. Since the divisions were autonomous, neither was aware that the other had obtained a separate I.D. number.

Given these facts, my questions are:

1. Is there any prohibition against maintaining multiple I.D. numbers for the same property?
2. Can two autonomous divisions of the same company co-located on the same property be considered separate generators and

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be issued separate I.D. numbers?

3. Would the answer to Question 2 be different if the aggregation of waste from both divisions caused one of the divisions to change regulatory classification. For example, to move from a conditionally exempt SQG to a large quantity generator?
4. Would EPA or the state need to be specifically informed that there are separate I.D. numbers for the same property?

Thank you for your attention to the matter. I look forward to hearing from you.

Sincerely yours,

James M. Kuszaj
OGLETREE, DEAKINS, NASH, SMOAK & STEWART, L.L.P.

JMK/mvk