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HOTLINE QUESTIONS AND ANSWERS

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2. Conditionally Exempt Small Quantity Generators Treating in Elementary Neutralization Units

A conditionally exempt small quantity generator (CESQG) may treat or dispose of hazardous waste on site provided the generator meets certain requirements outlined in 40 CFR 261.5(f)(3) and (g)(3). If a CESQG chooses to treat waste in an on-site elementary neutralization unit, must the generator meet the conditions of 261.5(f)(3) and (g)(3)?

A CESQG may treat hazardous waste in an on-site elementary neutralization unit without meeting the requirements in 261.5(f)(3) and (g)(3). Elementary neutralization units, as defined in 260.10, are exempt from RCRA treatment, storage, and disposal standards and permitting requirements. The elementary neutralization unit exclusion does not preclude a CESQG from treating waste in the exempt unit as long as the generator meets the criteria outlined in 264.1(g)(6), 265.1(c)(10), and 270.1(c)(2)(v). Specifically, the elementary neutralization unit must meet the definition of a container, tank, tank system, transport vehicle, or vessel; and be used for neutralizing wastes that are hazardous only because of corrosivity characteristic.