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**TITLE:** Clarification of Types of Activities that may be used  
to Satisfy the Waste Minimization Certification

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Subject: Clarification of Types of Activities That May be Used to Satisfy the Waste Minimization Certification

Addressee: Faith Gavin Kuhn, Executive Director/Editor, National Association of Solvent Recyclers, 1333 New Hampshire Avenue, N.W., Suite 1100, Washington, D.C. 20036

Originator: John H. Skinner, Director, Office of Solid Waste

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Summary:

The letter states that Congress' intent with regard to the waste minimization requirements in HSWA is to encourage hazardous waste generators to voluntarily reduce the quantity and toxicity of waste generated. Generators that recycle wastes on-site or send their wastes off-site to be recycled are exercising a form of waste minimization that may be used to satisfy the waste minimization requirement.

AUG 5 1985

Ms. Faith Gavin Kuhn  
Executive Director/Editor  
National Association of Solvent Recyclers  
1333 New Hampshire Avenue, N.W.  
Suite 1100  
Washington, D.C. 20036

Dear Ms. Kuhn:

Thank you for your letter of July 19, 1985, requesting clarification on the types of activities that may be used to satisfy the waste minimization certification as required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. In addition, thank you for the copy of the National Association of Solvent Recyclers' (NASR) latest industry brochure and membership list.

The HSWA establish as national policy the minimization of hazardous waste. The legislation requires waste minimization considerations to be addressed in the Resource Conservation and Recovery Act (RCRA) transport manifests, generator reports, and permits.

Senate Report No. 284, 98th Congress, 1st Session 66 (1983), articulates Congress' intent with regard to the waste minimization requirements in the HSWA. As this legislative history states, both minimization requirements for the manifest and biennial report refer to a certification by the generator that a program is in place to reduce the volume or quantity and toxicity of hazardous waste to the degree determined by the generator to be economically practicable. While the requirement to make this certification is mandatory, the determination of what waste minimization practices are economically practicable are to be made by the generator. The legislative history makes clear that Congress' objective in enacting the requirement for waste minimization certification is to encourage generators of hazardous waste to voluntarily reduce the quantity and toxicity of waste generated.

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As we previously discussed, and as the legislative history suggests, generators that either recycle wastes on-site or send their wastes off-site to be recycled are exercising a form of waste minimization that may be used to satisfy the waste minimization certification requirement, and may certify as such on the uniform hazardous waste manifest.

The Agency appreciates NASR's concern with the waste minimization certification requirement. If you have any further questions, please let me know.

Sincerely,

John H. Skinner  
Director  
Office of Solid Waste (WH-562)