

## Letters from EPA's Administrator to CEOs and Large Quantity Generators Of Hazardous Waste

The Resource Conservation and Recovery Act (RCRA) sets national policy that emphasizes the importance of reducing or preventing the generation of hazardous waste. It also contains provisions to promote implementation of waste minimization programs at hazardous waste management facilities. Under those provisions, large quantity generators (LQGs) of hazardous waste must certify that they have a waste minimization program in place, to reduce the volume or quantity and toxicity of their waste to the degree they determine to be economically practicable (Section 3002(b)). Owners and operators of facilities that receive a permit for the treatment, storage, or disposal of hazardous waste that they generate on the premises also are required to make the same certification at least once a year (Section 3005(h)). On May 28, 1993, the Environmental Protection Agency (EPA) issued guidance to hazardous waste generators, outlining the elements of a waste minimization program (see 58 FR 31114).

To encourage waste minimization programs, EPA's Administrator, Carol Browner, is sending letters to LQGs, reminding them about waste minimization certification requirements, and asking them to make their "programs in place" available to the public. Listed below are a number of questions and answers that may be used in responding to inquiries from recipients of the letters.

### **What is the letter that the Administrator is sending out and can I get a copy?**

*The letter is directed to the Chief Executive Officers and facility contacts for each organization that has reported to EPA that it generates large quantities of hazardous waste. The letter emphasizes the importance that EPA places on minimizing the amount of hazardous waste generated, reminds generators that they were required to certify that they have a waste minimization program in place, and encourages them to make their waste minimization programs in place available to the public.*

*A copy of a generic letter containing the text that appeared in each of the letters is available (once the letter is sent) through the RCRA Hotline.*

### **Who is on the list of generators that received the letters?**

*The generators who received the letters are those who reported to EPA in their 1989 or 1991 Biennial Hazardous Waste Reports that they were LQGs of hazardous waste.*

### **When and how will EPA release the list of the generators?**

*Details on how the list will be made available are not yet determined, but information will be provided through the RCRA Hotline. EPA plans to make the list available in spring 1994.*

**How accurate is this list?**

*The list is not a current list of LQGs, since it is based on information from 1989 and 1991. Because hazardous waste generators may be "large quantity" in one calendar month, but not in the next, the list does not reflect current (i.e., 1993 or 1994) LQG status for hazardous waste generators. However, a segment of the hazardous waste generator population does remain fairly constant from year to year, and thus many of the generators on the list are still classified as LQGs.*

**Why aren't all hazardous waste generators getting the letter?**

*Because not all hazardous waste generators are required to certify that they have waste minimization programs in place. Only generators who are classified as LQGs, or who need a permit to treat, store or dispose of hazardous waste that they generated on-site, are required to certify.*

**How does EPA recommend or suggest that generators make their waste minimization programs available to the public?**

*Generators may make their programs publicly available through whatever means they desire. EPA is not recommending or suggesting specific media or techniques.*

**Why is EPA sending these letters?**

*Administrator Browner is sending these letters to underscore the importance of minimizing the generation of hazardous waste. Furthermore, EPA believes that the public should be able to learn what generators are doing to minimize the amount of waste being generated. The letters will therefore not only be a reminder to hazardous waste generators about the requirement to certify having waste minimization programs, but will also ask them to share with the public what they are doing to minimize hazardous waste.*

**How does a hazardous waste generator certify?**

*LQGs certify when they sign the hazardous waste manifest to ship their waste off-site for treatment or disposal. Generators who have a permit to treat, store or dispose of their hazardous waste on the premises where it was generated make their certification in the facility operating record.*

**What authority does EPA have to send a letter like this?**

*EPA may contact companies in this manner whenever the Agency so chooses.*

**Do I have to submit a written description of my waste minimization program in place to EPA?**

*No. The only requirement to show EPA the documents that you have, relating to your waste minimization program, is in the event an EPA inspector asks to see copies of them. However, your state may have additional requirements for submitting a written waste minimization plan to the state environmental agency.*

**I got a letter from Carol Browner that misspells my name/says that such and such a facility is a large quantity hazardous waste generator/is addressed to someone who no longer works here...(etc., etc.)**

*Carol Browner's staff sent letters to the Biennial Hazardous Waste Report Contact person at each Large Quantity Generator site that EPA has a record of, based on EPA's 1989 and 1991 Biennial Report information. The letters were not sent to a specific named person, but only to the "Biennial Hazardous Waste Report Contact Person." EPA's intent is for someone at the site who is knowledgeable about the RCRA hazardous waste requirements to be aware of the certification requirement and to be aware that Ms. Browner would like their organization to make its waste minimization program (if any is required) available to the public. If EPA's 1989 and 1991 information does not accurately reflect the site's current status, and the site is no longer a Large Quantity Generator and does not have a RCRA permit, then the site need not take any action at all.*

*In addition to the letters that went directly to the LQG sites, EPA sent letters to the Chief Executive Officers of companies with subsidiaries which (according to EPA's records) were Large Quantity Generators in either 1989 or 1991. It is possible that EPA's information about who is a Chief Executive Officer is in error, or that EPA's information about which of the company's subsidiary sites were Large Quantity Generators in 1989 or 1991 is in error.*

**Do I have to have a written description of my waste minimization program in place?**

*No, but EPA encourages generators who are required to have the program to keep written copies of it.*

**How often do I have to update it?**

*That is up to each generator to determine.*

**Does the waste minimization program in place have to address each of the six elements in the May 1993 guidance?**

*EPA encourages generators to make an effort to address each of the six elements, but each generator will decide for themselves exactly how, and to what extent, they will address each one.*

**Do I have to put my waste minimization program in any particular format?** No.

**What does "cost allocation" mean?**

*In the context of the waste minimization guidance, it means that you can look at your organization's accounting methods and see if they adequately distribute the costs of hazardous waste management among the different activities that produce the waste. For more details, see Chapter 6 of the Facility Pollution Prevention Guide (available from ORD/CERI), or a document called Total Cost Assessment: Accelerating Industrial Pollution Prevention through Innovative Project Financial Analysis, which is available from the Pollution Prevention Information Clearinghouse, 202-260-1023.*

**I'm going to try to recycle my hazardous waste in such and such a manner. Is that "waste minimization?"**

*EPA believes that certain forms of recycling are "waste minimization." See the definitions of materials that are "recycled" in 40 CFR 261.1(c). However, EPA does not consider all forms of recycling as "waste minimization." For example, EPA does not consider burning hazardous wastes for energy recovery or recycling them in a way where they come into contact with the ground to be "waste minimization."*

**My state already requires a waste minimization/pollution prevention plan. What if EPA's guidance tells me to do something that conflicts with my state's plan?**

*EPA believes it is unlikely that there will be any conflicts between state requirements and the waste minimization program elements outlined in the May 1993 guidance. If there are conflicts, please contact Becky Cuthbertson at 703-308-8447.*

**My state/locality already requires a waste minimization/pollution prevention plan. Isn't that good enough?**

*The requirement to certify that you have a waste minimization program in place is a federal RCRA requirement, that is specific to hazardous waste. State or local requirements may be different. (For example, in addition to hazardous waste, state requirements might apply to air and water emissions.) For assistance with figuring out whether your RCRA waste minimization program in place will also satisfy state or local requirements, it is best to contact your state or locality directly. [States should adjust their responses to this question as necessary.]*

**Who is my state technical assistance contact for waste minimization/pollution prevention? How do I get a list of the state technical assistance programs?**

*There is a document called Directory of State and Local Pollution Prevention Programs, dated April 1992, and available from the Pollution Prevention Information Clearinghouse, which lists state pollution prevention contacts. There is another document called the "1993 Reference Guide" that PPIC provides, which contains similar, more current information.*

**Will the state technical assistance contact be able to help me?**

*The state technical assistance contacts have experience in dealing with a wide range of organizations, and also have an efficient network to refer people in need of specific expertise to someone who is able to provide it.*

**How do I get more information on how to set up a waste minimization program in place?**

*There is a document called the Waste Minimization Opportunity Assessment Manual, which is available from the National Technical Information Service, Publication Number PB 92-216 985. Another document, which describes how to set up programs that address all emissions, not just*

*hazardous waste, is called the Facility Pollution Prevention Guide (available free from EPA's Office of Research and Development at (513) 569-7562).*

**When is EPA going to finalize the guidance to hazardous waste generators on the elements of a waste minimization program?**

*The current schedule is to have the guidance become final in the fall of 1994. However, in light of comments by various interested parties at a national meeting held in November 1993, EPA will revisit the concept of finalizing the guidance, since it is limited to minimizing hazardous waste. The interested parties appeared to be in agreement that EPA would be better off concentrating its efforts on addressing pollutant emissions to all environmental media, rather than singling out emissions in wastes, versus air, or water. Thus, it is now uncertain exactly when EPA will finalize the guidance to hazardous waste generators on the elements of their waste minimization programs.*

**For More Information**

Call the RCRA Hotline, Monday-Friday, 8:30 a.m. to 7:30 p.m. Eastern time. The national, toll-free number is (800) 424-9346; TDD (800) 553-7672 (hearing impaired); in Washington, D.C., the number is (703) 412-9810, TDD (703) 412-3323.




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC -3 1999

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

**MEMORANDUM**

**SUBJECT:** The Administrator's Correspondence to Hazardous Waste Generators

**FROM:** Michael Shapiro, Director  
Office of Solid Waste 

**TO:** Waste Management Division Directors  
Regions I-X

As you know, Administrator Browner earlier this year announced the Combustion and Waste Reduction Strategy, which aims to reduce the amount of hazardous waste produced in the U.S., and to strengthen federal controls on hazardous waste incinerators and industrial furnaces. In her remarks, the Administrator stated her intention to publicize the list of generators required to certify that they have waste minimization programs in place, and to ask these generators to make the details of their waste reduction programs available to the public.

To accomplish this task, we will ask hazardous waste generators to make their programs publicly available; then, we hope to publish the list of these generators next Spring. We are sending letters from the Administrator to Large Quantity Generators (LQGs) that reported this status in either the 1989 or 1991 Biennial Hazardous Waste Report. The letters tell these facilities that we have identified them as an LQG from the Biennial data, and encourage them to make information on their waste minimization program(s) available to the public.

In an effort to reach as many hazardous waste generators as possible, the Administrator also is sending letters to identifiable Chief Executive Officers at LQGs reporting in the 1989 or 1991 Biennial Report. Approximately 24,000 letters will be mailed to potential LQGs. As a result, some organizations may receive more than one letter.

To assist you in responding to general inquiries, I have attached copies of each letter and questions and answers that explain who was contacted by EPA and why. In addition, you will be receiving a set of computer diskettes containing the names and addresses of the LQGs who were contacted in your region. We are suggesting that state agencies contact your office for this information, if they are interested in receiving it.

If you need more specific, technical information or assistance, please contact Becky Cuthbertson at (703) 308-8447. If you or your staff want additional copies of the questions and answers, please call the RCRA Docket at (202) 260-9327. The general public can obtain copies by calling the RCRA Hotline at (800) 424-9346, toll-free.

#### Attachments

cc: RCRA Branch Chiefs  
Enforcement Branch Chiefs  
State Authorization Section Chiefs  
Permitting Section Chiefs  
Regional Counsels  
ESD Laboratories  
RCRA Public Involvement Coordinators  
RCRA Waste Minimization Coordinators  
Pollution Prevention Coordinators  
33/50 Program Contacts



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 23 1993

THE ADMINISTRATOR

[Specific Name of CEO]  
[Specific Address of CEO]

Dear [Specific Name of CEO]:

I am writing to you today to request your assistance in minimizing our nation's hazardous waste. This country generates approximately 200 million tons of hazardous waste each year. The American people, increasingly concerned about the disposal of these wastes, are demanding that we reduce the quantity and toxicity of these wastes.

In his Earth Day message last April, President Clinton indicated that preventing pollution was one of his top priorities. As Administrator of the U.S. Environmental Protection Agency (EPA), I plan to seek every opportunity to reduce the amount of waste generated in the United States and prevent pollution at its source.

One such opportunity is available under the Resource Conservation and Recovery Act (RCRA). RCRA requires generators of large quantities of hazardous waste to certify that they have programs in place to reduce the quantity and toxicity of waste generated. Recently, I issued guidance to generators on what these programs should include.

Next spring I will make available to the public the names and locations of organizations and their facilities that were subject to this requirement in 1989 or 1991. Your organization will be included in that announcement. As a result, people living near your facilities are likely to want to know the details of your efforts.

I encourage you to implement waste minimization programs to the fullest extent possible, and then make information about your efforts available to the public. U.S. industries that avail themselves of both the economic and environmental benefits that result from taking aggressive action to prevent pollution should be recognized as leaders. Improving public understanding of your organization's programs is an excellent way to share your commitment with your customers and your neighbors, and demonstrate your leadership in preventing pollution. (Release of these programs does not require disclosure of any confidential business information.)



I have enclosed a list of your organization's facilities that, according to information submitted to EPA in 1989 and 1991 Biennial Reports, generated large quantities of hazardous waste and, as a result, were required to certify that they have waste minimization programs in place. I have sent a letter similar to this one to the designated Biennial Report Contact at each of these facilities, along with a copy of the "Guidance to Hazardous Waste Generators on the Elements of a Waste Minimization Program."

Please note that EPA provides a range of information and types of assistance on how organizations can save money and prevent pollution. EPA's Pollution Prevention Information Clearinghouse ((202) 260-1023) distributes fact sheets and provides a referral service for pollution prevention questions. For more detailed information on waste minimization, or if you have any questions about the content of this letter, please feel free to have your staff contact the RCRA/Superfund/OUST Hotline at 1-800-424-9346.

I appreciate and acknowledge your organization's role in our national efforts to minimize hazardous waste. Some of your facilities may already be participating in the "33/50" and "Green Lights" programs. Publicizing your organization's programs will help educate people about your efforts, and help us all take fuller advantage of our pollution prevention opportunities.

Sincerely,



Carol M. Browner

Enclosure



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 22 1993

THE ADMINISTRATOR

Dear Biennial Hazardous Waste Report Contact:

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In his Earth Day message last April, President Clinton indicated that preventing pollution was one of his top priorities. As Administrator of the U.S. Environmental Protection Agency (EPA), I plan to seek every opportunity to reduce the amount of waste generated in the United States and prevent pollution at its source.

One such opportunity is available under the Resource Conservation and Recovery Act (RCRA). RCRA requires generators of large quantities of hazardous waste to certify that they have programs in place to reduce the quantity and toxicity of waste generated. Recently, I issued guidance to generators on what these programs should include. A copy of this guidance is enclosed.

Next spring I will make available to the public the names and locations of organizations and their facilities that were subject to this requirement in 1989 or 1991. From the information that EPA has available, the site for which you are the Biennial Hazardous Waste Report contact reported in 1989 or 1991 that it was a large quantity generator of hazardous waste in one or more months of those years. Thus, your site was required to certify that there was a program in place, as either a large quantity generator of hazardous waste (as required under RCRA Section 3002(b)) or as a RCRA permitted treatment, storage, or disposal facility for hazardous wastes, where such waste was generated on-site (as required under RCRA Section 3005(h)). This certification statement is required both on manifests accompanying shipments of hazardous waste off-site, and as a condition of a RCRA hazardous waste permit issued for treating, storing, or disposing of hazardous waste generated on-site. Your site will be included in the announcement next spring. As a result, people living near your organization's site are likely to want to know the details of your efforts.

My letter to the Chief Executive Officer of your organization will include a list of all RCRA large quantity generator facilities associated with your organization that may need to certify that they have a waste minimization program in place.

I encourage you, as I will in my letter to your Chief Executive Officer, to implement waste minimization programs to the fullest extent possible, and then make your information about your efforts available to the public. U.S. industries that avail themselves of both the economic and environmental benefits that result from taking aggressive action to prevent pollution should be recognized as leaders. Improving public understanding of your organization's programs is an excellent way to share your commitment with your customers and your neighbors, and demonstrate your leadership in preventing pollution. (Release of these programs does not require disclosure of any confidential business information.)

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Carol M. Browner

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