

TOPIC: Definition of Generator

A generator is defined at 40 CFR 260.10 as "any person, by site, whose act or process produces hazardous waste identified or listed in Part 261 or whose act first causes a hazardous waste to become subject to regulation." This definition contains three important terms you need to understand to apply the generator regulations.

- The first term, "**by site**," refers to where a hazardous waste is generated. The regulations do not explicitly define the term "site." The EPA tracks hazardous waste generation on a site-specific basis or by "individual generation site." To do this, the EPA issues unique identification numbers to identify generators by site. Activities occurring under the control of an owner or operator on a single piece of property should be evaluated collectively for hazardous waste generation. For example, if Company A operates three laboratories on a single piece of property, all three laboratories may share one EPA ID number, and the waste from all three laboratories may be evaluated together. If, however, Company A operates three laboratories at three different locations that are not considered to be on contiguous property, each laboratory is viewed as a separate potential generator and is required to obtain an individual EPA ID number.
- The second term is "**person**." Person is defined in 40 CFR 260.10 as "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." The definition of person encompasses any entity involved with a process that generates hazardous waste.
- The third important component of the generator definition is the phrase "**act or process**." Because a generator is defined as the person whose act or process first causes a hazardous waste to become subject to regulation, sometimes the generator of a waste may not necessarily be the person who actually produced the waste. For example, if a cleaning service removes residues from a product storage tank excluded under 40 CFR 261.4(c), the person removing the residues is the first person to cause the waste to become subject to regulation, not the owner of the tank (i.e., the person who produced the waste).

Co-Generators

In the above residue removal example, the person removing the waste from the unit is not the owner or operator of the unit, but he or she may be considered a generator.

The owner or operator of the unit may also be considered a generator since the act of operating the unit led to the generation of the hazardous waste. In other words, both the remover of the waste and the owner or operator of the tank are considered to be co-generators. In cases where one or more persons meet the definition of generator, all persons are jointly and severally liable for compliance with the generator regulations. The parties may through a mutual decision have one party assume the duties of generator, but in the event that a violation occurs, all persons meeting the definition of generator could be held liable for the improper management of the waste.