UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
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BOSTON, MASSACHUSETTS 02114-2023

December 11, 2001

Mr. Edward W. Pickering
Environmental Science Services, Inc.
272 West Exchange Street, Suite 101,
Providence, Rhode Island 02903

Re: Applicability of Household Hazardous Waste Exemption in University Dormitories.

Dear Mr. Pickering:

Thank you for your letter of June 19, 2001 to Mr. Ken Rota requesting clarification of the applicability of the exemption for household hazardous waste (HHW) in 40 CFR 261.4(b)(1). Specifically, you asked whether this exemption applies to certain wastes generated in dormitories and other housing facilities owned and operated by colleges and universities?

The following are the two scenarios that you described in your letter, and our responses.

1. A student completes homework assignments in his/her private room in a dormitory or other housing facility. Some assignments, such as art and modeling projects, result in generation of spent solvents, paints and other wastes that would meet the definition of listed hazardous waste and/or characteristic hazardous wastes. Are these wastes exempt under the household waste exemption?

Response: In order for a waste to meet the HHW exemption, it has to meet two criteria, the waste must be generated by individuals on the premises of a temporary or permanent residence, and be composed primarily of materials found in the wastes generated by consumers in their homes. (49 FR 44978; November 13, 1984). In general, EPA would consider wastes from student art and modeling homework assignments generated in this manner to be exempt under the household hazardous waste exemption. The exception would be if homework assignments were given for the purpose of avoiding regulation. For example, a university could not claim the HHW exemption for laboratory waste by setting up its laboratory facilities in dormitories.

2. A university provides a workroom within a dormitory or other housing facility for students to complete homework assignments, including art and modeling projects. The workroom is equipped with a sink and collection containers for wastes generated from student projects. The university provides these collection containers as a good management practice to promote proper handling of these wastes. Periodically, these collection containers are brought to one of the university's hazardous waste storage areas. Is the waste collected in the workroom exempt from RCRA regulation under the household waste exemption? Can the university bring this waste to one of its waste storage areas as a generator without being classified as a treatment, storage, and disposal facility (TSDF)?

Response: In general, EPA also would consider wastes from student art and modeling homework assignments generated in this manner to be exempt under the household hazardous waste exemption. Again, the exception would be if homework assignments were given for the purpose of avoiding regulation.

A university will not become a TSDF under the federal regulations simply by bringing exempt HHW from a dormitory to one of its hazardous waste storage areas. Rather, the HHW will become subject to regulation as a newly generated hazardous waste when it is commingled in the hazardous waste storage area with other non-exempt hazardous waste. All of the wastes in such a central storage area should then be stored and ultimately disposed in accordance with all applicable hazardous waste requirements.

Finally, you should consult with each State in which a university is located. Each State may have more stringent requirements, or a more stringent interpretation of the above requirements.

I hope the above responses address your concerns. If you have any further questions on this letter, please contact either Jui-Yu Hsieh or Stephen Yee of the Hazardous Waste Unit at 617-918-1646 or 617-918-1197, respectively.

Sincerely,

Marv Rosenstein

Marv Rosenstein, Chief
Chemical Management Branch
Office of Ecosystem Protection

cc: Ken Rota, EPA, OES
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