

Hazardous Waste Generator Regulations Compendium

Volume 7: Very Small Quantity Generator (VSQG) Requirements

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This document includes the following sections:

- Resource View – outlines the document types by which resources are organized.
- Resources by Document Category – lists resources for each document category outlined in the *Resource View*.
- CFR View – provides relevant Code of Federal Regulations (CFR) language reformatted for easy reading.

These three main sections are cross-referenced, i.e., each section includes hyperlinks to the other sections. In addition, each section and its accompanying index include a hyperlink to the Main Index that allows the user to easily navigate from one section to another.

Introduction

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About the Compendium

The Hazardous Waste Generator Regulations Compendium serves as a user-friendly reference to assist regulators, industrial facilities generating and managing solid and hazardous wastes, and the general public in locating resources relevant to specific regulatory topics within the federal hazardous waste generator program.

The objective of this document is to consolidate and streamline the various resources on a topic into a user-friendly format, including references to relevant CFR language, Federal Register (FR) notices, documents posted on RCRA Online (i.e., guidance in the form of memoranda issued by EPA, Q&As, and other publications), and other resources, such as Frequent Questions webpages. The Compendium has been divided into multiple volumes that are available here: www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-compedium.

This document does not change any of the existing solid or hazardous waste requirements, nor does it offer an exhaustive list of relevant resources, as new resources may come into being or older ones may be relevant to a specific issue, but not included. Certain available resources, such as superseded RCRA Online documents, have not been referenced. Rather than including or reproducing referenced resources, this document generally provides hyperlinks to individual resources. As an exception, the Compendium does include relevant sections of the most current CFR regulatory language (as of the date on the cover of the Compendium). The included CFR language has been reformatted to make it easier to read, but it is not a substitute for the official CFR itself, or for the requirements in the CFR. The Government Printing Office frequently updates the e-CFR website; where appropriate, hyperlinks to the respective CFR section at the e-CFR website are provided.

Most states are authorized to administer their own RCRA Subtitle C hazardous waste program. Therefore, states may have their own set of regulations that apply in lieu of federal regulations. State regulations must be at least as stringent as the federal standards, but they can be more stringent. Please visit the following website to determine if the state regulatory program is different from the federal program: <https://www.epa.gov/hwgenerators/links-hazardous-waste-programs-and-us-state-environmental-agencies>, and check with your state agency.

About the Very Small Quantity Generator Volume

This volume of the Compendium lists resources and CFR language pertaining to VSQG requirements that are found at 40 CFR Part 262.¹ For more information regarding other topics that apply to facilities generating hazardous waste, refer to other volumes of the Compendium and [EPA's Hazardous Waste Generators Webpage](#).

Please note that the Hazardous Waste Generator Improvements rule of 2016 created new sections in Part 262, which contains the regulations pertaining to generators. Accordingly, some citations in the generator requirements in older resources in this Compendium are outdated, including

¹ EPA moved the Very Small Quantity Generator requirements from 40 CFR 261.5 to 262.14 in the November 28, 2016 Generator Improvements Final Rule.

references to § 261.5, § 262.34, and others. Please see the preamble to the final Hazardous Waste Generator Improvements rule for a discussion of the reorganization of the regulations (81 FR 85735–85740, November 28, 2016). For a specific crosswalk of the regulation citation changes, refer to www.epa.gov/hwgenerators/hazardous-waste-generator-regulations-crosswalk.

For more information on these regulations and any other questions or comments concerning this document, please contact EPA’s Office of Resource Conservation and Recovery:

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Resource View

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Very Small Quantity Generators

Resource Index:

- Resource Type:
 - [EPA Memoranda](#)
 - [Question and Answer \(Q&A\)](#)
 - [Federal Register Notices](#)

Resources by Document Category

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Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s) ²	Notes
Memoranda	11183	Clarification of 261.5(g)(3)(iv)	10/09/1986	Destination Facility; Licensing; Registration	
	11308	Clarification of Small Quantity Generator Regulations	12/09/1987	Conditionally Exempt Small Quantity Generators (CESQGs); Solvent Reclamation; Counting; Destination Facility	
	11681	RCRA Subtitle C Requirements Applicable to Household Hazardous Waste Collection Programs Collecting CESQG Waste	07/22/1992	Mixtures; Conditionally Exempt Small Quantity Generators (CESQGs) Waste; Household Hazardous Waste	
	11688	Conditionally Exempt Small Quantity Generator Provisions	08/25/1992	Destination Facility; On-site Treatment; Generator Categories	
	11765	Hazardous Waste Recycling Regulations to a Proposed Ink Recycling Process	09/01/1993	Recycling Conditionally Exempt Small Quantity Generators (CESQGs) Waste; Listed Ink Wastes; Solvent Reclamation	
	11772	Transporting Wastes from Conditionally Exempt Small Quantity Generators	09/20/1993	Conditionally Exempt Small Quantity Generators (CESQGs); Manifest; Destination Facility	

² As of November 28, 2016, Conditionally Exempt Small Quantity Generators (CESQGs) are now called Very Small Quantity Generators (VSQGs).

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s) ²	Notes
	14030	Management of Hazardous Waste Generated in Quantities Less than 100 kg and Those That Are Thrown Away with Ordinary Garbage	05/01/1996	Conditionally Exempt Small Quantity Generators (CESQGs); Regulatory History; Municipal Landfill Standards; Household Hazardous Waste	
	14031	Interpretation of Generator Requirements as Applied to Various On-Site and Off-Site Scenarios	05/01/1996	On-site; Generator Site; Contiguous; EPA ID Number; Destination Facility; Dumping	Questions four and seven discuss consolidation of waste from CESQG/ VSQGs. There were changes to these requirements in the 2016 Generator Improvements Rule.
	11958	Management and Disposal of Waste Vinyl Mini Blinds	07/12/1996	Hazardous Waste Identification; Household Hazardous Waste; Conditionally Exempt Small Quantity Generators (CESQGs); Testing	

Document Category	RCRA Online/ Resource	Resource Title	Document Date	Keyword(s) ²	Notes
Q&A	13778	Conditionally Exempt Small Quantity Generators Treating in Elementary Neutralization Units	02/01/1996	Conditionally Exempt Small Quantity Generators (CESQGs); Treatment; Corrosivity	
	14700	Amount of Waste Generated per Month Determines Generator Status	01/01/2004	Accumulation Limits; Volume of Accumulation	
	14891	Generator Improvements Clarification [for Drip Pad Operators]	06/08/2017	Closure; Drip Pads	
Federal Register Notices	51 FR 10146	Generators of Hazardous Waste Final Rule	03/24/1986	Conditionally Exempt Small Quantity Generators (CESQGs); Counting; Generator Categories	See preamble discussion on pages 10153–10154, especially.
	81 FR 85732	Hazardous Waste Generator Improvements Rule	11/28/2016	Very Small Quantity Generators (VSQGs)	

CFR View Index

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CFR Location ³	Title/Topic
260.10	Definitions: Generator and Very Small Quantity Generator
262.10(a)(1)(i)	Standards Applicable to Generators of Hazardous Waste
262.13	Generator Category Determination
262.14	Conditions for Exemption for a Very Small Quantity Generator

³ As of November 28, 2016, the requirements for VSQGs (previously known as CESQGs) moved from being located primarily in 40 CFR 261.5 to the locations in this table.

CFR View

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NOTE: The CFR language may have been excerpted, reformatted and appended with subheadings and explanations/terms in brackets.

§ 260.10 Definitions: Generator and Very Small Quantity Generator

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Generator means any person, by site, whose act or process produces hazardous waste identified or listed in part 261 of this chapter or whose act first causes a hazardous waste to become subject to regulation.

Very small quantity generator is a generator who generates less than or equal to the following amounts in a calendar month:

- (1) 100 kilograms (220 lbs) of non-acute hazardous waste; and
- (2) 1 kilogram (2.2 lbs) of acute hazardous waste listed in § 261.31 or § 261.33(e) of this chapter; and
- (3) 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in § 261.31 or § 261.33(e) of this chapter.

§ 262.10 (a)(1)(i) Standards Applicable to Generators of Hazardous Waste

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(a) The regulations in this part establish standards for generators of hazardous waste as defined by 40 CFR 260.10.

(1) A person who generates a hazardous waste as defined by 40 CFR part 261 is subject to all the applicable independent requirements in the subparts and sections listed below:

(i) Independent requirements of a very small quantity generator.

(A) Section 262.11(a) through (d) Hazardous waste determination and recordkeeping; and

[262.11: (a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may

change the properties of the waste such that the RCRA classification of the waste may change.

(b) A person must determine whether the solid waste is excluded from regulation under 40 CFR 261.4.

(c) If the waste is not excluded under 40 CFR 261.4, the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subpart D of 40 CFR part 261.

(d) The person then must also determine whether the waste exhibits one or more hazardous characteristics as identified in subpart C of 40 CFR part 261].

(B) Section 262.13 Generator category determination.

§ 262.13 Generator Category Determination

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A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month, as defined in § 260.10 of this chapter.

Table 1 to § 262.13

Quantity of Acute Hazardous Waste Generated in a Calendar Month	Quantity of Non-Acute Hazardous Waste Generated in a Calendar Month	Quantity of Residues from a Cleanup of Acute Hazardous Waste Generated in a Calendar Month	Generator Category
> 1 kg	Any amount	Any amount	Large quantity generator.
Any amount	≥ 1,000 kg	Any amount	Large quantity generator.
Any amount	Any amount	> 100 kg	Large quantity generator.
≤ 1 kg	> 100 kg and < 1,000 kg	≤ 100 kg	Small quantity generator.
≤ 1 kg	≤ 100 kg	≤ 100 kg	Very small quantity generator.

(f) Mixing hazardous wastes with solid wastes -

(1) Very small quantity generator wastes.

(i) Hazardous wastes generated by a very small quantity generator may be mixed with solid wastes. Very small quantity generators may mix a portion or all of their hazardous waste with solid waste and remain subject to § 262.14 even though the resultant mixture exceeds the quantity limits identified in the definition of very small quantity generator at § 260.10 of this chapter, unless the mixture exhibits one or more of the characteristics of hazardous waste identified in part 261 subpart C of this chapter.

(ii) If the resulting mixture exhibits a characteristic of hazardous waste, this resultant mixture is a newly-generated hazardous waste. The very small quantity generator must count both the resultant mixture amount plus the other hazardous waste generated in the calendar month to determine whether the total quantity exceeds the very small quantity generator calendar month quantity limits identified in the definition of generator categories found in § 260.10 of this chapter. If so, to remain exempt from the permitting, interim status, and operating standards, the very small quantity generator must meet the conditions for exemption applicable to either a small quantity generator or a large quantity

generator. The very small quantity generator must also comply with the applicable independent requirements for either a small quantity generator or a large quantity generator.

(iii) If a very small quantity generator's wastes are mixed with used oil, the mixture is subject to 40 CFR part 279. Any material produced from such a mixture by processing, blending, or other treatment is also regulated under 40 CFR part 279.

§ 262.14 Conditions for Exemption for a Very Small Quantity Generator

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(a) Provided that the very small quantity generator meets all the conditions for exemption listed in this section, hazardous waste generated by the very small quantity generator is not subject to the requirements of parts 124, 262 (except §§ 262.10 through 262.14) through 268, and 270 of this chapter, and the notification requirements of section 3010 of RCRA and the very small quantity generator may accumulate hazardous waste on site without complying with such requirements. The conditions for exemption are as follows:

(1) In a calendar month the very small quantity generator generates less than or equal to the amounts specified in the definition of “very small quantity generator” in § 260.10 of this chapter;

(2) The very small quantity generator complies with § 262.11(a) through (d) [[see text from 262.11 included on pg. 10](#)];

(3) [If the very small quantity generator accumulates greater than 1 kilogram (2.2 lbs) of acute hazardous waste or 100 kilograms (220 lbs) of any residue, contaminated soil, water, or other debris resulting from the cleanup of a spill (of any acute hazardous waste), then all quantities of the accumulated hazardous waste are subject to the following additional conditions for exemption]:

(i) Such waste is held on-site for no more than 90 days beginning on the date when the accumulated wastes exceed the amounts provided above; and

(ii) The conditions for exemption in § 262.17(a) through (g).

(4) If the very small quantity generator accumulates at any time 1,000 kilograms (2,200 lbs) or greater of non-acute hazardous waste, all quantities of that hazardous waste are subject to the following additional conditions for exemption:

(i) Such waste is held on site for no more than 180 days, or 270 days, if applicable, beginning on the date when the accumulated waste exceeds the amounts provided above;

(ii) The quantity of waste accumulated on site never exceeds 6,000 kilograms (13,200 lbs); and

(iii) The conditions for exemption in § 262.16(b)(2) through (f).

(5) A very small quantity generator that accumulates hazardous waste in amounts less than or equal to the limits in paragraphs (a)(3) and (4) of this section must either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:

- (i) Permitted under part 270 of this chapter;
- (ii) In interim status under parts 265 and 270 of this chapter;
- (iii) Authorized to manage hazardous waste by a state with a hazardous waste management program approved under part 271 of this chapter;
- (iv) Permitted, licensed, or registered by a state to manage municipal solid waste and, if managed in a municipal solid waste landfill is subject to part 258 of this chapter;
- (v) Permitted, licensed, or registered by a state to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit, is subject to the requirements in §§ 257.5 through 257.30 of this chapter;
- (vi) A facility which:
 - (A) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - (B) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation;
- (vii) For universal waste managed under part 273 of this chapter, a universal waste handler or destination facility subject to the requirements of part 273 of this chapter;
- (viii) A large quantity generator under the control of the same person as the very small quantity generator, provided the following conditions are met:
 - (A) [The very small quantity generator and the large quantity generator are under the control of the same person];
 - (B) The very small quantity generator marks its container(s) of hazardous waste with:
 - (1) The words “Hazardous Waste”; and
 - (2) [An indication of the hazards of the contents (i.e., the applicable hazardous waste characteristic(s); a DOT hazard communication label or placard; an OSHA hazard statement or pictogram; or an NFPA chemical hazard label]
- (ix) A reverse distributor (as defined in § 266.500), if the hazardous waste pharmaceutical is a potentially creditable hazardous waste pharmaceutical generated by a healthcare facility (as defined in §266.500).

(x) A healthcare facility (as defined in § 266.500) that meets the conditions in §§ 266.502(l) and 266.503(b), as applicable, to accept non-creditable hazardous waste pharmaceuticals and potentially creditable hazardous waste pharmaceuticals from an off-site healthcare facility that is a very small quantity generator

(xi) For airbag waste, an airbag waste collection facility or a designated facility subject to the requirements of § 261.4(j) of this chapter.

(b) The placement of bulk or non-containerized liquid hazardous waste or hazardous waste containing free liquids (whether or not sorbents have been added) in any landfill is prohibited.

(c) A very small quantity generator experiencing an episodic event may generate and accumulate hazardous waste in accordance with subpart L of this part in lieu of § 262.15, 262.16, and 262.17.