

Determine generator size

Step 2 in the MPCA's [10 Steps to Hazardous Waste Compliance series](#)

The regulated status of a hazardous waste generator site, commonly known as the *generator size*, is determined by the volume of hazardous waste generated at the site each calendar month.

The Minnesota Pollution Control Agency (MPCA) and the metropolitan counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington (Metro Counties) oversee the hazardous waste generator size criteria. These criteria are specific to Minnesota and more inclusive than federal standards.

What wastes do I count and when?

Each calendar month, count the volume by mass of each hazardous waste listed in the top section of the table below that is generated at your site. For assistance determining what wastes are hazardous in Minnesota, see MPCA fact sheet #w-hw1-01, Evaluate waste, at <https://www.pca.state.mn.us/sites/default/files/w-hw1-01.pdf>.

Count the amount of hazardous wastes generated at your site each calendar month that are:

- Accumulated on-site.
- Mixed into used oil by a Very Small Quantity Generator (VSQG). See [Used oil](#) below.
- Recycled off-site, unless eligible to be feedstocks or byproducts. See [Feedstocks](#) below.
- Recycled and reused again on-site.
Note: These wastes may be eligible for counting deductions. Contact the MPCA or your Metro County for assistance calculating how much of these wastes to count each month. See [More information](#) on page 4.
- Sewered.
- Shipped off-site for treatment or disposal using a hazardous waste manifest.
- Transported to a VSQG Collection Program or Licensed Paint Collection Site (LPCS).
- Treated on-site.

Do not count:

- Electronic-waste (E-waste) that is recycled. See MPCA fact sheet #w-hw4-15, Electronic wastes, at <https://www.pca.state.mn.us/sites/default/files/w-hw4-15.pdf>.
- Exempt wastes. See MPCA fact sheet #w-hw1-01, Evaluate waste, at <https://www.pca.state.mn.us/sites/default/files/w-hw1-01.pdf>.
- Feedstocks or byproducts. See MPCA fact sheet #w-hw2-42, Recycling hazardous waste, at <https://www.pca.state.mn.us/sites/default/files/w-hw2-42.pdf>.
- Pharmaceuticals. See MPCA fact sheet #w-hw3-33, Changes in pharmaceutical waste management, at <https://www.pca.state.mn.us/sites/default/files/w-hw3-33.pdf>.
- Polychlorinated biphenyls (PCBs). See MPCA fact sheet #w-hw4-48a, Identifying and using PCBs, at <https://www.pca.state.mn.us/sites/default/files/w-hw4-48a.pdf>.
- Recyclable fuel. See MPCA fact sheet #w-hw4-19, Fuel wastes, at <https://www.pca.state.mn.us/sites/default/files/w-hw4-19.pdf>.
- Universal waste, including aerosol cans, batteries, compressed gas cylinders, fluorescent & high-intensity discharge (HID) lamps, and mercury devices. See MPCA fact sheet #w-hw4-62, Universal waste, at <https://www.pca.state.mn.us/sites/default/files/w-hw4-62.pdf>.
- Used oil recycled or burned for energy recovery. See MPCA fact sheet #w-hw4-30, Used oil and related wastes, at <https://www.pca.state.mn.us/sites/default/files/w-hw4-30.pdf>.
- Wastewater pretreated on-site to remove ≥80% of its hazardous constituents and then sewered.

These hazardous wastes may still be required to be reported annually to the MPCA or Metro County and may be used to calculate annual hazardous waste generator fees. They are also subject to regulation during accumulation and transport.

Do I have to count the weight of containers?

No, you only need to count the net mass of hazardous waste or residue in a container, not the weight of the container itself. If you do not have the exact weight of the empty container, called the tare weight, or the exact net weight of the waste in a container, you may use a reasonable estimate. If your hazardous waste is comingled with a non-hazardous waste or another material, and can be separated out, you may count only the net mass of the hazardous waste.

How do I count wastes from spills and at cleanup sites?

Contaminated spill cleanup materials are considered newly generated wastes and must be assumed to be hazardous waste and counted unless evaluated as non-hazardous. See MPCA fact sheet #w-hw1-01, Evaluate waste, at <https://www.pca.state.mn.us/sites/default/files/w-hw1-01.pdf>.

Hazardous wastes shipped off-site for treatment or disposal from a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund) cleanup supervised by the U.S. Environmental Protection Agency (EPA) or a Minnesota Environmental Response and Liability Act (MERLA, also known as Minnesota Superfund) cleanup supervised by the MPCA are considered countable hazardous wastes. Do not count hazardous waste at a CERCLA or MERLA site that is treated on-site and returned to the ground, or only moved within an Area of Concern (AOC).

What is my site's generator size?

Total the mass of all counted hazardous waste in a calendar month. Do not average multiple months.

Then count any acute hazardous wastes generated in a calendar month at your site separately. For more information about identifying acute hazardous wastes, see MPCA fact sheet #w-hw2-02, P-list of acute hazardous wastes, at <https://www.pca.state.mn.us/sites/default/files/w-hw2-02.pdf>.

If your site generates:	...then your site's generator size is:
- Less than 100 pounds per year of all counted hazardous waste; and - No acute hazardous waste, including pharmaceutical acute hazardous waste.	Minimal Quantity Generator (MiniQG) Follow all operational requirements for VSQGs. No annual license fee. Not applicable in all Metro Counties.
- Less than 220 pounds per month of all counted hazardous waste; and - Less than 2.2 pounds per month of non-pharmaceutical acute hazardous waste.	Very Small Quantity Generator (VSQG)
- Between 220 and 2,200 pounds per month of all counted hazardous waste; and - Less than 2.2 pounds per month of non-pharmaceutical acute hazardous waste.	Small Quantity Generator (SQG)
- More than 2,200 pounds per month of all counted hazardous waste; or - More than 2.2 pounds per month of non-pharmaceutical acute hazardous waste.	Large Quantity Generator (LQG)
Hazardous waste temporarily (up to three years) from non-manufacturing operations at a site that: - Has never generated any countable hazardous waste previously under your control; and - Is not expected to generate any hazardous waste again after the temporary situation. Examples of such temporary situations include cleanout of a newly purchased building or abatement projects.	One-time Generator Follow all operational requirements for SQGs, except no documented employee training, emergency coordinator, contact with local authorities, or annual hazardous waste license is required. If generation continues past three years, the site becomes regulated as a normal generator above.

Is my site's generator size the same as its licensed size?

Some Metro Counties may issue your site a hazardous waste generator license with a licensed size printed on the license. This licensed size is an estimate based on your previous reports and is used to calculate annual fees and for planning purposes. However, it is not the site's regulated generator size; regulated generator size is determined based on your current monthly hazardous waste generation volume. The MPCA no longer prints a licensed size on hazardous waste generator licenses.

Remember, you are responsible for determining your site's actual generator size each month, and for complying with all requirements for that size. Generator sizes contained in the MPCA's and U.S. Environmental Protection Agency's (EPA) databases are estimates only, based on your previous reports.

For a summary of the requirements for each generator size, see MPCA fact sheet #w-hw1-00, Summary of hazardous waste requirements, at: <https://www.pca.state.mn.us/sites/default/files/w-hw1-00.pdf>.

What if the amount of waste I generate changes?

If your site's generation increases enough in a calendar month to raise your generator size, you must meet all of the hazardous waste requirements applicable to the larger size. You must also continue to meet the larger size requirements for the subsequent months of that calendar year, unless your site is reclassified back down to your original lower size, either automatically or on request.

Do not notify the MPCA of a change to your site's generator size. Changes in hazardous wastes generation volume will be reported on your next annual hazardous waste generator license application. Check with your Metro County to determine if you must submit notice of size changes.

Original generator size:

- MiniQG** No reclassification necessary if the site stays below the VSQG generation limit.
Submit a hazardous waste license application in the following year and pay any applicable annual fees.
If the site exceeds the VSQG generation limit, see the criteria for VSQGs below.

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- VSQG** Will be automatically reclassified if the site:
- Exceeds the VSQG generation limit for only one month; **and**
 - Does not exceed the SQG generation limit.

Comply with the SQG requirements during that month.

If the over-generation is longer than a month, you must submit a written reclassification request.

If the over-generation is greater than SQG generation limit, see the criteria for SQGs below.

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- SQG** Will be automatically reclassified if the site:
- Exceeds the SQG generation limit for only one month; **and**
 - Over-generated due to a spill or cleanup of non-acute hazardous waste or the permanent shutdown of a production process.

Comply with the LQG requirements during that month.

If the over-generation is longer than a month or for another reason, you must submit a written reclassification request.

Any generator size ineligible for automatic reclassification

Submit a written reclassification request to the MPCA or Metro County. The request must include an:

- Explanation of the reason for the over-generation event; **and** a
- Detailed description of the steps taken by the generator to ensure that the over-generation will not recur.

Comply with the larger size requirements until you receive written confirmation of the reclassification.

Note: The MPCA and some Metro Counties assess annual hazardous waste fees based on the total volume of hazardous waste generated at a site during a calendar year. Your site may be assessed fees for over-generation waste, even if your site is automatically reclassified or you submit a reclassification request.

More information

Guidance and requirements in this fact sheet were compiled from Minnesota Rules, Chapter 7045, and incorporates regulatory interpretation decisions made by the MPCA on September 12, 2018; May 8, 2019; and November 13, 2019. Visit the Office of the Revisor of Statutes at <https://www.revisor.mn.gov/pubs> to review Minnesota Rules.

Contact your Metro County or the MPCA with your questions. The MPCA's Small Business Environmental Assistance Program (SBEAP) can also provide free, confidential regulatory compliance assistance. The Minnesota Technical Assistance Program (MnTAP) can help you reduce the amount of hazardous waste your site generates.

Metro County Hazardous Waste Offices

Anoka	763-324-4260
.....	https://www.anokacounty.us/
Carver	952-361-1800
.....	http://www.co.carver.mn.us/
Dakota	952-891-7557
.....	https://www.co.dakota.mn.us/
Hennepin	612-348-3777
.....	http://www.hennepin.us/
Ramsey	651-266-1199
.....	https://www.ramseycounty.us/
Scott	952-496-8177
.....	http://www.scottcountymn.gov/
Washington	651-430-6655
.....	https://www.co.washington.mn.us/

Minnesota Pollution Control Agency

Toll free (all offices)	1-800-657-3864
All offices.....	651-296-6300
.....	https://www.pca.state.mn.us/

Small Business Environmental Assistance

Toll free	1-800-657-3938
Metro	651-282-6143
.....	https://www.pca.state.mn.us/sbeap/

Minnesota Technical Assistance Program

Toll free	1-800-247-0015
Metro	612-624-1300
.....	http://www.mntap.umn.edu