



Warehouse Lessors Considered Co-Generators of Hazardous Waste

In situations where a warehouse stores chemical product/materials for other companies, which become hazardous waste (outdated inventory, damaged container or packaging, off spec determination), the warehouse owner/operator and the party storing materials at the warehouse are considered to be co-generators of this waste. As co-generators, the warehouse owner/operator as well as the company storing the waste are required to provide warehouse personnel with hazardous waste training, ensure waste labeling and storage requirements are met and comply with contingency plan rules. However, the U.S. Environmental Protection Agency (USEPA) and the New Jersey Department of Environmental Protection (DEP) allow one of the co-generators to take responsibility for the manifest and fulfilling other generator responsibilities and actually prefer and encourage that one of the parties take primary responsibility for regulatory compliance on behalf of all parties. However, if no party is designated to be the "primary," USEPA and DEP will initially look to the operator of the process unit, i.e., the warehouse operator, for compliance but reserves the right to cite all parties for regulatory violations.

What Should I Do?

The DEP suggests that warehouse operators/owners include as part of the lease/storage contract a provision addressing primary responsibility for regulatory compliance in the event the stored product/material becomes waste.

Whom should I contact with questions?

Hazardous Waste Compliance and Enforcement - Northern Field Office (Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren Counties)	973-656-4470
Hazardous Waste Compliance and Enforcement – Central Field Office (Mercer, Middlesex, Monmouth, Ocean and Union Counties)	609-584-4250
Hazardous Waste Compliance and Enforcement – Southern Field Office (Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, and Salem Counties)	856-614-3658

COMPLIANCE ADVISORY

Where can I get more information?

Visit the following Web sites for additional information regarding this advisory:

Solid & Hazardous Waste Rules <http://www.nj.gov/dep/dshw/resource/rules.html>

Visit the following Web site for general information:

Contact NJDEP: <http://www.nj.gov/cgi-bin/dep/contactdep.pl>

To comment on this advisory:

<http://www.nj.gov/dep/enforcement/survey.html>

Please note this advisory is intended to be a summary explanation of a department initiative. It does not include all potentially applicable requirements. If you have any questions related to compliance with this initiative, please contact the numbers listed above.