

Hazardous Waste Generator Improvements Rulemaking Compliance Notebook



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Hazardous Waste Generator Improvements Rulemaking

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Generator Improvement Rulemaking



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Intent of the Proposed Rulemaking

1. Revise certain components of the hazardous waste generator regulatory program (primarily at 40 CFR 261.5 and 40 CFR 262)
2. Address gaps in the regulations
3. Provide greater flexibility for hazardous waste generators to manage their hazardous waste



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Intent of the Proposed Rulemaking

4. Reorganize the hazardous waste generator regulations to make them more user-friendly and improve their usability
5. Make technical corrections and changes to address inadvertent errors, remove obsolete programs, and improve the readability of the regulations



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Significant Proposed Revisions/Additions

40 CFR Parts 260–265, 268, 270, 273, and 279

- Numerous technical corrections and conforming changes



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Significant Proposed Revisions/Additions 40 CFR 260

- New definitions for:
 - Very small quantity generator (VSQG)
 - Large quantity generator (LQG)
 - Central accumulation area
 - Acute and non-acute hazardous waste
- Revised definition for small quantity generator (SQG)



[40 CFR 260.10]

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Significant Proposed Revisions/Additions 40 CFR 261

Biennial reporting requirements for recyclers who don't store hazardous waste prior to recycling



[40 CFR 261.6(c)]

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Significant Proposed Revisions/Additions 40 CFR 262

- Independent requirements vs. conditions for exemption
- Revised waste determination and recordkeeping requirements
- Biennial notification for generators
- Revised biennial reporting requirements
- Reorganization and revision of generator storage options (including VSQG)



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Significant Proposed Revisions/Additions 40 CFR 262

- Revised LQG closure requirements
- New "episodic" generator requirements
- Requirements to add waste codes to transportation marking
- Prohibitions on bulk or non-containerized liquids in landfill
- Deletion of obsolete options (i.e., Project XL)



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Significant Proposed Revisions/Additions 40 CFR 263 and 268

- Expanded container marking requirements for transfer facilities
- Expanded container marking requirements for TSDFs



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Independent Requirements vs. Conditions for Exemptions

- Independent requirements are mandatory
- Conditions for exemptions are optional
 - These are the rules that must be followed to avoid getting a permit for storage



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Independent Requirements for Small and Large Quantity Generators

- Hazardous waste determination
 - 40 CFR 262.11
- Generator category determination
 - 40 CFR 262.13
- Notification/re-notification
 - 40 CFR 262.18
- Manifesting
 - 40 CFR 262, Subpart B
- Pre-transport requirements
 - 40 CFR 262, Subpart C



[40 CFR 262.10]

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Independent Requirements for Small and Large Quantity Generators

- Recordkeeping
 - 40 CFR 262, Subpart D
- Import/export requirements
 - 40 CFR 262, Subparts E and F
- Farmers
 - 40 CFR 262, Subpart G
- Transfrontier shipments to OECD countries
 - 40 CFR 262, Subpart H



[40 CFR 262.10]

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Generator Categories

There are three categories of generators:

1. Very small quantity generators (VSQGs) (old CESQG)
2. Small quantity generators (SQGs)
3. Large quantity generators (LQGs)



[40 CFR 260.10 and 262.13]

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Generator Categories

- Thresholds remain the same
 - Determination for acute vs. non-acute changed
- Counting rules moved from 40 CFR 261.5 to 262.13
- Counting exclusion for waste generated under an episodic event added



[40 CFR 260.10 and 262.13]

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Generator Category Determination

Count acute separately from non-acute, then compare, applying the *more stringent* category

TABLE 1 TO § 262.13—GENERATOR CATEGORIES BASED ON QUANTITY OF WASTE GENERATED IN A CALENDAR MONTH				
#	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	> 1 kg	Any amount	Any amount	Large quantity generator.
2	Any amount	> 1,000 kg	Any amount	Large quantity generator.
3	Any amount	Any amount	> 100 kg	Large quantity generator.
4	≤ 1 kg	> 100 kg and ≤ 1,000 kg	≤ 100 kg	Small quantity generator.
5	≤ 1 kg	≤ 100 kg	≤ 100 kg	Very small quantity generator.

[40 CFR 262.13]

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Waste Determination

Process remains the same

- Added and moved requirements for waste determination records from 40 CFR 262, Subpart D
- Added clarification as to what is “acceptable” knowledge in determining listings and characteristics



[40 CFR 262.11]

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Waste Determination Records

- Generators must now document *both* solid and hazardous waste determination
- Records must include:
 - Test results
 - Records for determining the process, composition, properties
 - Records explaining the “knowledge basis”
 - All applicable listed and characteristic waste codes



[40 CFR 262.11(e)]

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Conditions for Exemptions

There are four accumulation options that are subject to conditions for exemptions

1. Very small quantity generators
 - 40 CFR 262.14
2. Satellite accumulation
 - 40 CFR 262.15
3. Small quantity generators
 - 40 CFR 262.16
4. Large quantity generators
 - 40 CFR 262.17



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Very Small Quantity Generators

All provisions from 40 CFR 261.5 moved to 40 CFR 262.14

- Added clarifications on mixing hazardous and non-hazardous waste
- Added prohibition against bulk or non-containerized liquids being placed in a landfill



[40 CFR 262.14]

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Very Small Quantity Generators

- VSQGs allowed to send wastes to an LQG site "under same control"
- Containers stored for shipment to LQG must be marked with:
 - "Very Small Quantity Generator Hazardous Waste"
 - Words identifying the contents
 - Indication of the hazard(s)
 - Waste codes



[40 CFR 262.14]

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Satellite Accumulation

All provisions from 40 CFR
262.34(c) moved to 40 CFR
262.15

- Container requirements at
40 CFR 265.171–265.173(a)
rolled into requirements



[40 CFR 262.15]

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Satellite Accumulation

New marking requirements for
satellite containers:

- "Hazardous Waste"
- Words identifying the contents
- Indication of the hazard(s)
- Date
 - Once total quantity
exceeds 55 gallons (or
1 quart or 1 kg of acute
hazardous waste)



[40 CFR 262.15]

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Small Quantity Generator

- All provisions from 40 CFR
262.34(d), (e), (f), and (m) moved
to 40 CFR 262.16

- Container requirements at
40 CFR 265.171–265.174 and
265.177 rolled into requirements
- Tank requirements from 40 CFR
265.201 rolled into requirements

- Options for storage in drip pads and
containment buildings added, but
only ≤ 90 days



[40 CFR 262.16]

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Small Quantity Generator

Emergency preparedness requirements from 40 CFR 265, Subpart C rolled into requirements

- Revised requirement for posting next to phones or areas directly involved in waste generation or storage
- Added new requirements for contacting local emergency planning committees (LEPCs)



[40 CFR 262.16]

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Small Quantity Generator

New marking requirements for containers:

- "Hazardous Waste"
- Words identifying the contents
- Indication of the hazard(s)
- Accumulation start date



[40 CFR 262.16]

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Small Quantity Generator

Tanks, drip pads, and containment buildings must:

- Be marked "Hazardous Waste" ("in a conspicuous place easily visible")
- Have a log/record to indicate contents, hazards, accumulation start date (in "close proximity" to device)



[40 CFR 262.16]

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Large Quantity Generator

All provisions from 40 CFR 262.34(a), (b), (g), (h), (i), and (m) moved to 40 CFR 262.17

- Container requirements at 40 CFR 265, Subpart I rolled into requirements
 - Storage of ignitable and reactive wastes < 15 m from property line allowed with written fire department approval
- Training requirements from 40 CFR 265.16 rolled into requirements




[40 CFR 262.17]

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Large Quantity Generator

- Air emission, tank, drip pad, and containment building requirements still cross-referenced to 40 CFR 265
- Emergency preparedness and contingency plan requirements now at 40 CFR 262, Subpart M
 - Include new requirements for submitting executive summary of contingency plan to LEPCs




[40 CFR 262.17]

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Large Quantity Generator

New marking requirements for containers:

- "Hazardous Waste"
- Words identifying the contents
- Indication of the hazard(s)
- Accumulation start date




[40 CFR 262.17]

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Large Quantity Generator

Tanks, drip pads, and containment buildings must:

- Be marked "Hazardous Waste" ("in a conspicuous place easily visible")
- Have a log/record to indicate contents, hazards, accumulation start date (in "close proximity" to device)




[40 CFR 262.17]

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Large Quantity Generator Closure Requirements

- Must notify EPA 30 days prior to closing either:
 - A unit that accumulates hazardous waste
 - The site
- Must notify EPA 90 days after clean closure of the unit or site




[40 CFR 262.17(a)(8)]

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Large Quantity Generator Closure Requirements

- The requirements from 40 CFR 265.111 and 265.114 are rolled into the rules
 - Include more details on cleaning and decontaminating the unit and site
- If the contamination cannot be cleaned up, the site is:
 - Considered to be a landfill
 - Subject to notification and post-closure care at 40 CFR 265.310



[40 CFR 262.17(a)(8)]

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Large Quantity Generators Receiving Very Small Quantity Generator Waste

- Must be wastes from VSQGs under same "control"
- Must notify (EPA 8700-12) at least 30 days prior to receiving wastes
 - Name, address, contact info of VSQG site(s)
- Must maintain records of shipments for three years
 - Name, address, contact info of VSQG site
 - Description, waste codes, and quantity of waste received

[40 CFR 262.17(g)]



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Large Quantity Generators Receiving Very Small Quantity Generator Waste

Containers of VSQG waste received at an LQG facility must be marked with:

- "Hazardous Waste"
- Words identifying the contents
- Indication of the hazard(s)
- Date received



[40 CFR 262.17(g)(3)]

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EPA Identification Numbers and Re-Notification

- Requirements to obtain an EPA ID number moved here from 40 CFR 262.12
- Generators must now re-notify biennially
 - SQGs by February 1 of even-numbered years
 - LQGs by March 1 of even-numbered years (may be done as part of biennial report)

[40 CFR 262.18]



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New Pre-transport Requirements Waste Codes

Non-bulk containers must
be marked with the
applicable waste codes



[40 CFR 262.32(c)]

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New Prohibition for Liquids in Landfills

New rule prohibits placement of bulk or non-
containerized liquid hazardous waste or hazardous
waste containing free liquids in landfills



[40 CFR 262.35]

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New Requirements for Biennial Report Applicability

Generators that were large
quantity generators for at
least one month must now
report the hazardous waste
generation activities *for the
entire year*



[40 CFR 262.41(a)]

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Episodic Generation

- New rules for episodic generation are found at 40 CFR 262, Subpart L
- An episodic event is defined as "...an activity or activities, either planned or unplanned, that does not normally occur... resulting in an increase in the generation of hazardous wastes that exceed the calendar month quantity limits for the generator's usual category."



[40 CFR 262.231]

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Episodic Generation

VSQGs and SQGs are allowed one episodic event per calendar year

- May petition for one more, but permission must be received *prior* to event



[40 CFR 262.232(a)(1) and (b)(1)]

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VSQG and SQG Episodic Event Management

- Notify EPA 30 days *prior* to initiating a planned event or 24 hours *after* an unplanned event
- Obtain an EPA ID number
- Store in containers or tanks
- Send waste off site within 45 days
 - Additional 30 days if written approval from EPA
- Use a manifest for waste shipments
- Prepare/keep records of the event for at least three years



[40 CFR 262.232(a) and (b)]

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VSQG Episodic Event Container Management

- Containers must be marked with:
 - “Episodic Hazardous Waste”
 - Words identifying the contents
 - Indication of the hazard(s)
 - Date episodic event began
- Containers must be in good condition, compatible with waste, and closed



[40 CFR 262.232(a)(4)]

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VSQG Episodic Event Tank Management

- “Episodic Hazardous Waste” must be marked on tank
- Logs, equipment, or records (in close proximity) must be used to indicate the:
 - Contents
 - Hazard(s)
 - Date the event began



[40 CFR 262.232(a)(4)]

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VSQG Episodic Event Tank Management

Tanks must:

- Be in good condition and compatible with the waste
- Have procedures to prevent overflow/overfilling (e.g., equipped with waste feed cutoff system)
- Be inspected once each operating day



[40 CFR 262.232(a)(4)]

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SQG Episodic Event Container Management

Containers must be marked with:

- "Episodic Hazardous Waste"
- Words identifying the contents
- Indication of the hazard(s)
- Date episodic event began



[40 CFR 262.232]

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SQG Episodic Event Container Management

- Meet applicable requirements at 40 CFR 265, Subpart I (except §§265.176 and 265.178)
- Meet applicable requirements at 40 CFR 262.16



[40 CFR 262.232]

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SQG Episodic Event Tank Management

- "Episodic Hazardous Waste" must be marked on tank
- Logs, equipment, or records (in close proximity) must be used to indicate the:
 - Contents
 - Hazard(s)
 - Date the event began



[40 CFR 262.232]

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SQG Episodic Event Tank Management

- Comply with 40 CFR 265.201
 - This section is being removed, so presumably comply with 40 CFR 262.16(b)(3)
- Comply with applicable requirements at 40 CFR 262.16



[40 CFR 262.232]

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Effect of New Rulemaking on States

The proposed rule is a "non-HSWA" rulemaking

- Rule would only be immediately effective in "Federally run" states (i.e., Alaska and Iowa)
- "Authorized" states would be required to adopt the more stringent provisions within 12 to 24 months



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Summary of the Proposal More Stringent Provisions

1. Documenting solid waste determinations
2. Biennial re-notification
3. Expanded device marking/log requirements
4. LQG notification upon closure



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Summary of the Proposal

More Stringent Provisions

- Executive summary for contingency plan
- Biennial reporting for full calendar year
- Expanded communication requirements for containers at transfer facilities
- Prohibitions on storage of restricted wastes (40 CFR 268.50)




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Use of Electronic Tools

- EPA asked for comment on the use of electronic tools for:
 - Waste determination
 - Reporting
- The tools would not be created/maintained by EPA
 - Third-party vendors could create tool that would be accessible to EPA (similar to tax preparation software and the IRS)




[80 FR 57985-57986]

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QUESTIONS?



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- **Enjoy the rest of the conference!**

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