# Understanding EPA's Generator Improvements Rule Compliance Reference







# UNDERSTANDING EPA'S GENERATOR IMPROVEMENTS RULE

**Compliance Reference** 



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# Key Dates for the Rulemaking Proposed rule published September 25, 2015 Final rule: Signed October 28, 2016 Published on November 28, 2016

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- Objectives of the Rulemaking
   Reorganize the hazardous waste generator regulations to make them more user-friendly and improve their usability
   Provide a better understanding of how the RCRA hazardous waste generator regulatory program works
   Address gaps in the
  - 3. Address gaps in the regulations

- Effective on May 30,

2017

[81 FR 85732, November 28, 2016]





















determination remains the same, however, the new rule: · 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

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[40 CFR 262.11]



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[40 CFR 262.11(f) and (g)]



18-0827































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[40 CFR 262.15(a)(5)]







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# EPA'S GENERATOR IMPROVEMENTS RULE



# THE HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE November 28, 2016

## Introduction

On November 28, 2016, the Environmental Protection Agency promulgated the Hazardous Waste Generator Improvements Rule, the first major change to the Federal hazardous waste regulations since the Agency added the small quantity generator provisions in 1986. In this rulemaking, the EPA identified five primary objectives:

- 1. Reorganize the hazardous waste generator regulations to make them more user-friendly and improve their usability.
- 2. Provide a better understanding of how the RCRA hazardous waste generator regulatory program works.
- 3. Address gaps in the existing regulations to strengthen environmental protection.
- 4. Provide greater flexibility for hazardous waste generators to manage their hazardous waste in a cost-effective and protective manner.
- 5. Make technical corrections and conforming changes to address inadvertent errors, remove obsolete references to programs that no longer exist, and improve the readability of the regulations.

## Reorganization of the Hazardous Waste Generator Regulations, 40 CFR 262

The reorganization of the hazardous waste generator regulations to make the regulations more user-friendly and to improve generator compliance was a major impetus for the new rule. Key features of this reorganization include:

- 1. Integrating the rules for very small quantity generators (VSQGs), which were formally known as conditionally exempt small quantity generators (CESQGs), into the rest of the generator regulations.
- 2. Separating the existing regulations for small quantity generators (SQGs), large quantity generators (LQGs), and satellite accumulation areas (SAAs) into three new sections.
- 3. Adding subtitles to the new sections.
- 4. Where feasible, incorporating the text of relevant portions of 40 CFR 265 regulations into the new sections, rather than cross-referencing them as has been done previously.

Requirement	New Regulatory Citation [40 CFR]	Old Regulatory Citation [40 CFR]
Purpose, Scope, and Applicability	262.10	262.10
Waste Determination and Recordkeeping	262.11	262.11 and 262.40(c)
Generator Category Determination	262.13	261.5
VSQG (CESQG)	262.14	261.5
Sending Hazardous Wastes to LQGs	262.14(a)(5)(vii)	N/A
Landfill Ban for Liquids	262.14(b)	265.28
Satellite Accumulation	262.15	262.34(c)
Container Management	262.15(a)(1)–(5)	265.171–265.173(a)
Emergency Preparedness/Planning	262.16(b)(8) (SQGs)	N/A
	262, Subpart M (LQGs)	
Small Quantity Generator Accumulation	262.16	262.34(d)–(f)
Container Management	262.16(b)(2)	265, Subpart I (excepted 265.176 and 265.178)
Tank Management	262.16(b)(3)	265.201
Drip Pad Management	262.16(b)(4) and 265, Subpart W	N/A
Containment Building Management	262.16(b)(5) and 265, Subpart DD	N/A
Emergency Preparedness/Planning	262.16(b)(8)	265, Subpart C
Rejected Loads	262.16(e)	262.34(m)
Large Quantity Generator Accumulation	262.17	262.34(a)
Container Management	262.17(a)(1)	265, Subpart I
Tank Management	265, Subpart J	265, Subpart J
Drip Pad Management	265, Subpart W	265, Subpart W
Containment Building Management	265, Subpart DD	265, Subpart DD
Emergency Preparedness/Planning	262, Subpart M	265, Subparts C and D

#### The Hazardous Waste Generator Improvements Rule, continued Finding Aid for 40 CFR 262

Rejected Loads	262.17(g)	262.34(m)
Personnel Training	262.17(a)(7)	265.16
Closure Requirements	262.17(a)(8)	265.111 and 265.114
Accepting Hazardous Wastes from a VSQG	262.17(f)	N/A
RCRA Notification (EPA ID Numbers)	262.18	262.12
Landfill Ban for Liquids	262.35 (SQGs and LQGs)	265.28
Episodic Generations	262, Subpart L	N/A

### Independent Requirements vs. Conditions for Exemption

Under the new rule, the EPA distinguishes between two types of generator requirements: independent requirements and conditions for exemption.

#### **Independent Requirements**

Independent requirements are those requirements that "any" generator producing hazardous waste must meet. An example of an independent requirement for a small quantity generator would be to obtain an EPA identification number.

Essentially, an independent requirement is an "unconditional requirement" that generators must comply with, but is not specifically tied to the accumulation of hazardous waste. Independent requirements do not provide relief from other requirements.

Independent requirements for each of the different types of generators are identified at 40 CFR 262.10.

#### **Conditions for Exemption**

Conditions for exemption are conditional requirements that generators must meet if they want the benefit of an exemption from RCRA storage facility permitting requirements.

Unlike an independent requirement, generators are only required to meet a condition for exemption if they wish to receive relief from other requirements. Examples of conditions for exemption would be all of the requirements a large quantity generator must meet in order to accumulate hazardous waste on site in a central accumulation area without a hazardous waste permit (i.e., the "90-day rules").

Conditions for exemption for very small quantity generators, satellite accumulation areas, small quantity generators, and large quantity generators are identified at 40 CFR 262.14 through 262.17.

### Changes to the Hazardous Waste Regulations and State Adoption

In addition to reorganizing the hazardous waste generator regulations, the new rule also changes many of the requirements for generating, accumulating, and shipping hazardous waste off site. These changes are identified in the remainder of this exhibit, organized by topic.

States are not required to adopt the changes to the hazardous waste regulations UNLESS a new regulation is more stringent than the current rule. Under each topic, Lion has identified which changes would be considered more stringent, meaning states will be required to adopt them.

## **Changes to Generator Status**

#### Changes States MAY Adopt:

- Conditionally exempt small quantity generators (CESQGs) are called very small quantity generators (VSQGs).
- The terms "very small quantity generator," "small quantity generator," (SQG) and "large quantity generator" (LQG) are now all defined at 40 CFR 260.10.

#### **Changes States MUST Adopt:**

• If a generator exceeds the threshold limits for acute hazardous waste, then the generator is a large quantity generator for ALL waste generated on site, not just the acute hazardous waste.

### **Changes to Satellite Accumulation**

#### **Changes States MAY Adopt:**

- There are new, limited exceptions for keeping satellite containers open when necessary for the operation of equipment or to prevent dangerous situations, such as buildup of extreme pressure.
- Threshold limits for acute hazardous waste will be 1 quart for liquids and 1 kilogram for solids.

#### **Changes States MUST Adopt:**

• Containers must be marked with the words "Hazardous Waste."

*NOTE:* Previously, containers had to be marked with the words "Hazardous Waste" OR other identifying words.

- Containers must be marked/labeled to identify the hazards of the hazard-ous waste.
- Containers are subject to new rules for incompatible wastes.
- Satellite accumulation areas are subject to preparedness, prevention, and emergency procedure requirements (specific requirements determined by whether the generator is an SQG or an LQG).

### Changes to the Accumulation Rules for Small and Large Quantity Generators

#### **Changes States MAY Adopt:**

- In addition to containers and tanks, SQGs may now accumulate wastes in drip pads and containment buildings (for up to 90 days).
- In the case of a tank with a continuous flow process, generators may demonstrate that estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days (for LQGs) or 180 days (for SQGs), rather than completely emptying the tank every 90 or 180 days.
- LQGs may apply for a site-specific waiver from the "authority having jurisdiction" (AHJ) over the fire code if unable to meet the 15 m ignitable and reactive hazardous waste property line condition.

#### **Changes States MUST Adopt:**

- In addition to the words "Hazardous Waste" and an accumulation start date, containers accumulated in central accumulation areas (CAAs) must be marked/ labeled to identify the hazards of the hazardous waste.
- In addition to the words "Hazardous Waste," tanks and containment buildings must be marked/labeled to identify the hazards of the hazardous waste.
- Logs or other records demonstrating that wastes have been emptied every 90 or 180 days from tanks, drip pads, and contain-

#### Notes:

ment buildings must be kept on site and be readily available for inspection.

- Prior to shipment off site, containers with volumes less than 119 gallons must be marked with all applicable waste codes:
  - Requirement does not apply to lab packs, except for those containing waste codes D004, D005, D006, D007, D008, D010, and D011.
  - Alternatively, a nationally recognized electronic system, such as a bar-coding system, may be used.

## Changes to the Closure Rules for Large Quantity Generators

#### **Changes States MUST Adopt:**

- Closure requirements are now more stringent for the closure of container accumulation areas (generators must "clean close" these areas).
- When closing an accumulation unit, LQGs may either place a notice in the operating record identifying the unit and not perform formal closure until the facility itself closes, or they may perform the required closure provisions and notify EPA that the unit has been closed.
- LQGs must notify EPA:
  - No later than 30 days prior to closing their facility, and
  - Within 90 days after closing their facility to either confirm that closure performance standards where met, or, if this was not possible, that they are closing the facility as a landfill.

## Notifications and Reports for Small and Large Quantity Generators

#### **Changes States MUST Adopt:**

- Small quantity generators will be required to re-notify EPA regarding their status using EPA Form 8700-12 beginning in 2021, and then every 4 years afterwards, by September 1.
- Large quantity generators must report all of the hazardous waste they generate for the entire reporting year, not just the month(s) they were an LQG.

*NOTE:* Large quantity generators are required to re-notify EPA regarding their status every two years, however, this can be done as part of the required biennial reports.

### **Emergency Preparedness and Contingency Planning**

#### **Changes States MUST Adopt:**

- New large quantity generators must develop and submit a "quick reference guide" to emergency authorities in addition to their full contingency plan.
- Existing large quantity generators must update their existing quick reference guides, if necessary, whenever their contingency plan is amended (or create a quick reference guide at this time if one does not already exist).

*NOTE:* As noted earlier, satellite accumulation areas at small and large quantity generator sites are now subject to the same preparedness, prevention, and emergency procedure requirements as central accumulation areas at those sites.

# New Rules for Episodic Generation

The new rules for episodic generation allow a site to maintain its status as a VSQG or SQG if, as a result of an "episodic event," the site generates additional quantities of hazardous waste that cause it to exceed its normal generator category limits. These rules represent a less stringent management option. Therefore, states will not be required to adopt these new rules.

Key features of the rules for episodic generation include:

- The episodic event can be either planned or unplanned.
- The rules can be used once per year to maintain VSQG or SQG status, unless the generator receives approval from the EPA to manage a second event as an additional episodic event.
- Generators must notify EPA at least 30 days prior to initiating a planned episodic event or within 72 hours after an unplanned event.
- Generators have 60 calendar days to initiate and complete an episodic event, including generation, accumulation, and management.

- VSQGs must obtain an EPA identification number, use a hazardous waste manifest and use a hazardous waste transporter to ship the waste to a RCRA designated facility.
- VSQGs must:
  - Accumulate episodic wastes in containers or tanks only.
  - Manage waste in a manner that minimizes the possibility of an accident or release (additional, specific requirements must be met when managing wastes in tanks).
  - Not treat wastes on site.
- SQGs must follow the usual requirements for managing hazardous waste under the exemption for small quantity generators at 40 CFR 262.16.

## New Rules for VSQGs Sending Hazardous Wastes to LQGs

Under the new rules, VSQGs are permitted to send their hazardous wastes to an LQG that is under the control of the same person. These rules represent a less stringent management option, and therefore, states will not be required to adopt these new rules.

Key features of the rules include the following:

• LQGs receiving wastes must notify the EPA at least 30 days prior to receiving the first shipment (and submit updated notifications in information changes).

- LQGs must maintain records for three years from the date the hazardous waste was received from the VSQG.
- LQGs must place an accumulation start date on containers indicating the date the waste was received from the VSQG.
- LQGs must report waste received from VSQGs on their biennial reports.

## Change to the Accumulation Time Limits for Hazardous Wastes Accumulated in "Eligible Academic Laboratories"

Under the new rules, the accumulation time limit for wastes accumulated in academic labs operating under 40 CFR 262, Subpart K is extended from six months to 12 months. This change represents a less stringent management option, and therefore, states will not be required to adopt this rule.

## New Requirements for Biennial Reporting for Recycling Facilities [40 CFR 261.6(c)(2)(iv)]

Under the new rules, owners and operators of facilities that receive and partially reclaim hazardous wastes into a commodity like-material or recycle hazardous wastes (i.e., hazardous secondary materials not excluded from the definition of solid waste or hazardous waste not exempt from other recycling regulations) WITHOUT storing it prior to recycling must comply with the biennial reporting requirements at 40 CFR 265.75

*NOTE:* This requirement is ONLY applicable to owners and operators of facilities that receive regulated hazardous waste from off site and/or do not store incoming hazardous waste prior to recycling.

# EPA TRAINING

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### COMPLETE ENVIRONMENTAL REGULATIONS

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#### TSCA REGULATIONS

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. Workshop (RCRA P40A) Attend both RCRA & Advanced workshops

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Workshop (RCRA P37A) Attend both RCRA & Texas workshops Workshop (RCRA P37B) Attend both Advanced & Texas workshops Workshop (RCRA P40B) Attend RCRA, Advanced, & Texas workshops

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#### HAZARDOUS WASTE RECYCLING RELIEFS

Master the latest RCRA recycling reliefs to minimize waste, reduce disposal fees, and streamline your hazardous waste management efforts. Online (RCRA 460)

#### MANAGING USED OIL

Build your understanding of the RCRA used oil rules at 40 CFR Part 279. Make sure you know what's required—and what's not required—to stay in compliance. Online (RCRA 290)

#### UNDERGROUND STORAGE TANKS

The course guides compliance professionals through the design, operation, administrative, financial, and closure requirements for USTs. Online (RCRA 280)

#### RCRA FOR VERY SMALL QUANTITY GENERATORS

This course covers hazardous waste requirements for managers and employees at sites that generate  $\leq$  100 kg of waste per month. Online (RCRA 305)

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# HAZMAT TRAINING



## CORF HA7MAT PROGRAMS

#### HAZMAT GROUND SHIPPER CERTIFICATION (DOT)

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#### **RECURRENT HAZMAT GROUND** SHIPPER CERTIFICATION (DOT)

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#### HAZMAT AIR SHIPPER CERTIFICATION (IATA)

Learn the latest IATA Dangerous Goods Regulations (DGR) requirements you must know to ship hazmat by airplane. Online (HMT 350) Workshop (HMT P35) Webinar (HMT C35)

#### HAZMAT VESSEL SHIPPER **CERTIFICATION (IMDG)**

Shippers who offer hazardous materials for transport by vessel are subject to different regulations than those who ship only by ground or air.

Online (HMT 360) Workshop (HMT P36) Webinar (HMT C36)

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#### SHIPPING HAZMAT BY VESSEL (IMDG) - OPS

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#### SHIPPING REGULATED MEDICAL WASTE

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# **OSHA TRAINING**

## **CORE OSHA PROGRAMS**

#### **10 HOUR OSHA GENERAL INDUSTRY**

This course provides OSHA safety training for general industry workers on topics like fall protection, HazCom, PPE, electrical safety, and bloodborne pathogens. Online (OSH 300)

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#### MANAGING HAZARD COMMUNICATION

This course covers the elements of OSHA's HazCom Standard at 29 CFR 1910.1200 for managers, including how to develop and oversee a workplace HazCom program. Online (OSH 336)

#### FORKLIFT SAFETY

This course covers OSHA's rules for the safe operation and maintenance of powered industrial trucks. Online (OSH 235)

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## HAZWOPER TRAINING

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This course provides 8 hours of HAZWOPER refresher training for Emergency Response Technicians who respond aggressively to a hazardous substance release. Online (OSH 311)

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This course provides an awareness-level training for employees who may witness or discover a hazardous substance release. Online (OSH 308)

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# SPECIALIZED OSHA TRAINING

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Informs workers of the hazards associated with unexpected startup or release of stored energy during equipment maintenance or servicing. Covers critical requirements and procedures detailed in OSHA's Control of Hazardous Energy (Lockout/Tagout) Program. Online (OSH 270)

#### PERSONAL PROTECTIVE EQUIPMENT

This one-hour course satisfies OSHA's PPE training requirement for employees by leading them through wearing, care, and maintenance of their equipment. Online (OSH 219)

#### MATERIAL HANDLING AND STORAGE

Employees who handle materials must follow safe work practices to avoid injury and overexertion. This course covers safe material handling, storage, and stacking procedures. Online (OSH 130)

#### **BLOODBORNE PATHOGENS**

Students who complete this course will have an understanding of the dangers of bloodborne pathogens, means of transmission, and using personal protective equipment. Online (OSH 265)

# HAZCOM & HAZMAT SAFFTY TRAINING

#### HAZCOM: FLAMMABLES AND COMBUSTIBLES

Provides required OSHA Hazard Communication training and hazmat safety training for employees who work with or around flammable or combustible materials. Online (OSH 202)

#### HAZCOM: COMPRESSED GASES

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#### HAZCOM: CORROSIVES

Provides required OSHA Hazard Communication training and hazmat safety training for employees who work with or around corrosive materials. Online (OSH 204)

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