


EPA'S HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE

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HW GENERATOR RULE OVERVIEW

Hazardous Waste Generator Improvements Federal Rule

Effective Date: May 30, 2017

- Alaska
- Iowa
- Territories

81 Fed. Reg. 85732 (November 28, 2016)

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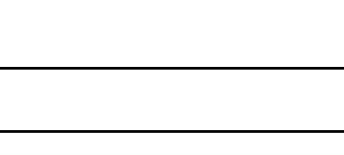
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HW GENERATOR RULE OVERVIEW

Delegated States:

May 30, 2020, to Comply

NOTE: If need statutory revision

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HW GENERATOR RULE OVERVIEW

New Terms

“VSQG” = Very Small Quantity Generator

- > 100 Kg/MD
- > 1000 kg onsite

NOTE: Generated, not accumulated

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HW GENERATOR RULE OVERVIEW

New Term “Central Accumulation Area” (CAA)

- “Onsite”
- “Accumulating in units”
- “Subject to” SQG or LQG

NOTE: CAA may be “any location” at the plant/ multiple CAAs.

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HWGIR: OVERVIEW

THREE CATEGORIES OF CHANGES

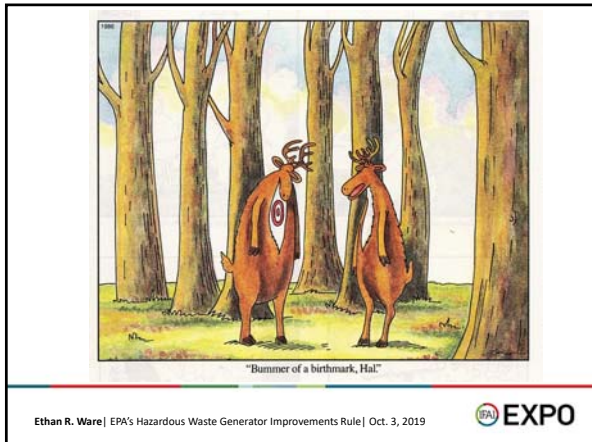
Category No. 1. Clarification

Category No. 2. Flexibility

Category No. 3. Risk Assessment

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1. CLARIFICATION

Clarification: Areas of Impact

- A. Hazardous Waste Generators: Contingency Plans
- B. Satellite Accumulation Areas (SAA)
- C. Frequently Occurring Issues

NOTE: Central Accumulation Areas (CAA)

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1. CLARIFICATION

A. New Rule: LQG Contingency Plans

- Contingency Plan Executive Summary -- submit to Emergency Planning Committee or other appropriate local agency
- 6 months after effective date -- November 30, 2017

QUESTION: Should you submit this before effective date?


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1. CLARIFICATION

Executive Summary Contents

- Types & amounts of hazardous waste
- Maps of site and surrounding area
- Location of water supply
- Identification of on-site notification systems (i.e. telephones, P.A. system, etc.)
- Emergency Contact


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1. CLARIFICATION

LQG Contingency Plan Flexibilities/Clarifications

- Applies ONLY to areas where hazardous waste is being accumulated
- Removes personal information in records
- Revise regulations on placement of equipment to update for modern technology
- Contractors may cleanup releases
- "May submit to [LEPC] as appropriate."


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1. CLARIFICATION

B. Revise & Clarify Satellite Accumulation Area (SAA) Rules

- SAA allow generators to accumulate hazardous waste
- At or near point of generation
- Up to 55 gallons
- Containers: Closed, Control, Labeled - Contents

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1. CLARIFICATION

SAA New Rule:

1) Limits Incompatible Waste:

- Container prior use determines;
- Washed containers; and
- Separate or Protect by “practical means” if “nearby”.

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1. CLARIFICATION


SAA New Rule:

2) “Closed” at all times: Except -- “Temporary Venting”

- Necessary for safe operation
- Proper Operation of Equipment

3) Acute Hazardous Waste – 1 Quart/1Kg

- Residues of spill count separately

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1. CLARIFICATION


New Rule:

4) “Three consecutive calendar days”

- Not business days.

5) Rescind Guidance Memo:

- D003 Haz. Waste (reactive)
- Away from point of generation
- Must be at CAA

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1. CLARIFICATION


SAA New Rule:

7) **“Under Control of an Operator”;**

- “Aware of and attends to operations”
- “Some measure of controlled access”

NOTE EPA Guidelines:

- May be > 1 operator
- “Locked access” may not be required
- Control over waste required

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1. CLARIFICATION


C. Frequent Recurring Issues

1) **Quantity Calculations: VSQG and SQG**

- Based on “Calendar Month”
- Not 30 days
- Status may change monthly
- “Generation” ≠ “Accumulation”

NOTE: Rejected request to “average”.

[81 Fed. Reg. 85755]

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1. CLARIFICATION


2) **Mixing Hazardous and Non-hazardous Waste:**

Determining generator category when mixing solid and hazardous waste

- VSQG remains VSQG, unless characteristic
- Impermissible dilution: 90 day Treatment Rule still applies
- Hazardous and Non hazardous Waste volumes counted

NOTE: LDR applies to 90 day treatment

[81 Fed. Reg. 85756]

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1. CLARIFICATION

3) "Count Separately"

Table 6—Generator Categories Based on Quantity of Waste Generated

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 the cleanup of spilled acute hazardous waste generated in a calendar month	Generator Category
> 1 kg	Any amount	Any amount	LQG
Any amount	≥ 1,000 kg	Any amount	LQG
Any amount	Any amount	> 100 kg	LQG
≤ 1 kg	> 100 kg and < 1,000 kg	≤ 100 kg	SQG
≤ 1 kg	≤ 100 kg	≤ 100 kg	VSQG

This table is being finalized in the regulations as Table 1 to § 262.13.

[40 CFR 262.13]

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1. CLARIFICATION

Exceed Category Limit

SQG = Permit Required

VSQG = Manage as SQG or LQG

[81 Fed. Reg. 85741]

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1. CLARIFICATION

4) Definitions: Revised and Added

- Added "Residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on the land or water" to the list of types of acute hazardous waste to be counted for status

NOTE: Not "acute hazardous waste"

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1. CLARIFICATION

5) Determination Requirements:
If NOT a hazardous waste --

- Don't need to maintain records of determination
- Dropped from Proposed Rule

NOTE: BMP may warrant records?

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1. CLARIFICATION

SQGs and LQGs

Hazardous waste determination records
 on site "3 years"


NOTE: Not until closure

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"You're kidding! I was struck twice by lightning too!"


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2. FLEXIBILITY

New Rules: Flexible Approach

- A. Consolidate wastes from VSQG
- B. "Episodic waste"
- C. Ignitable/Reactive Wastes

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2. FLEXIBILITY

A. Consolidation Option:

- Must be VSQG – generate 100 kilograms or less/month
- Transport to LQG
- "Under the control" of the "person" that qualifies as VSQG

NOTE: "Under control" means power to direct policies of VSQG.

[81 Fed. Reg. 85773-74]


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2. FLEXIBILITY

VSQG Requirements:

- 1) Label it as "VSQG Hazardous Waste"
- 2) Identify "Hazards of contents"
 - Hazardous Waste characteristics
 - DOT Label -- Classifications
 - OSHA Pictogram
 - NFPA Chemical Hazard Label


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2. FLEXIBILITY

LQG Requirements:


- 1) Notify state of participation on Site ID Form 8700 and the name of the participating VSQG(s)
 - 30 days prior to receipt

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2. FLEXIBILITY

- 2) Manage consolidated waste as LQG haz. waste
 - Labels
 - Date – Date of receipt
- 3) Report in Biennial Report
- 4) No maximum amount


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2. FLEXIBILITY

B. Episodic Exceedence: Relief from Status Change

- Non-routine hazardous waste generation
- Generator status changes as result

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2. FLEXIBILITY

Rule: No Change to VSQG/SQG

- Conditions Met
- Once a calendar year

NOTE: May petition for second event

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2. FLEXIBILITY


“Episodic” Includes:

“Planned” Events

- Periodic maintenance
- Clearing out old wastes

“Unplanned” Events

- Spills or leaks
- Discovery of off-spec chemical

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2. FLEXIBILITY

Seven Requirements: Episodic Events


1) RCRA ID #

- Existing or New One
- EPA Form 8600-12

2) Notification

- Notify EPA of the event either:
 - 30 days before planned event
 - Within 24 hours after unplanned event
- EPA Form 8700-12

QUESTION: Does the facility get relief if file NRC Notification?

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2. FLEXIBILITY

3) Containment

- Accumulation must be in compliance with “applicable containment standards”

4) Labeling

- “Episodic Hazardous Waste”

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2. FLEXIBILITY


5) Disposal

- Hazardous Waste Manifest
- Hazardous Waste Transporter
- RCRA Designated Facility (TSD or Recycler)

6) Identify Emergency Coordinator

7) Recordkeeping

- Maintain records for 3 years

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2. FLEXIBILITY

C. Storage: Ignitable & Reactive Wastes

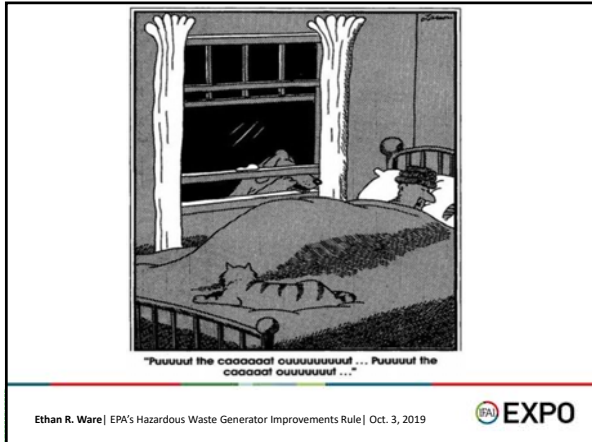
Former Rule: Must be at least 15 meters/50 feet from the property line

New Rule: If not achievable (i.e. urban areas), may request “waiver”

- From local fire department or other local emergency response agency
- Must maintain “waiver” agreement on-site

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3. SAFETY REQUIREMENTS: GENERATORS

New Rules: Risk-Based Policies Codified

- A. Hazardous Waste Determination
- B. Labeling
- C. Reporting
- D. Closure Requirements

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3. SAFETY - MORE STRINGENT

A. Documentation of Hazardous Waste Determinations

Proposed Rule: Document Determination

- 30% errors rate

New Rule: Not Required to Document Determination

QUESTION: Good, right?

...Not so fast


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3. SAFETY - MORE STRINGENT

NOTE: New Rule Does Require


- 1) "Accurate determination"
 - Proper Management
- 2) At "point of generation"
 - First subject to regulation

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3. SAFETY - MORE STRINGENT

- 3) "Acceptable Knowledge"
 - Relevant
 - "Any source" of information
- 4) "Applicable test methods"

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3. SAFETY - MORE STRINGENT

B. New Rule: Labeling Hazards Required

- Not "AND CONTENTS" (deleted)
- Hazards of the contents
- "Plain English"

NOTE: Tanks, drip pads, containment buildings can keep this information in logs near the accumulation site

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3. SAFETY – MORE STRINGENT

D. New Rule: Closure of LQG

- Close facility as a landfill if not clean close
- Notify EPA or State prior to closing

QUESTION: What is “clean closure”?

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3. SAFETY – MORE STRINGENT


PROCEDURE: Clean Closure

1) Close Unit

- Closure requirements; or
- Notice – Operating record within 30 days

2) Close Facility Notice

- 30 days before
- 90 days after: Clean Closure

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3. SAFETY – MORE STRINGENT

Clean Closure: Remove Constituents of a Hazardous Waste

- Soils
- Groundwater
- Equipment
- 40 CFR, 261 Appendix VIII

NOTE: Less Than Regulatory Levels


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3. SAFETY – MORE STRINGENT

Landfill:

- 1) Remove All Wastes
 - Constituents remaining
- 2) Groundwater
 - 1 up/3 down
 - MCL
 - Quantity = statistical shift
- 3) Part B Permit


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FINAL EDITS

Numerous organizational and editorial revisions:

- Consolidation most basic generator requirements in an expanded 40 CFR part 262
- Conforming Sections
- Updating & Correcting Text

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Hazardous Waste Generator Improvements

Impacts of Final Rule by Generator Category

New Provision	VSQG	SQG	LQG
LQG Consolidation of VSQG wastes	X		X
Episodic Generation	X	X	
50-foot Waiver			X
Marking & Labeling		X	X
Marking RCRA Waste Codes		X	X
SQG Re-notification		X	
Contingency Plan Quick Reference Guide			X
Closure Notification			X
Closure as Landfill if can't clean close			X
BR Reporting by Recyclers Who Don't Store*		X	X

TN Tennessee Department of Environment & Conservation 13

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CITATIONS FOR SQGS

Table 4—Crosswalk of Previous Citations to New Citations for SQGs

Regulation	Previous Citation	New Citation	Comment
Definition of Small Quantity Generator	§ 262.34(d)	§ 260.10	Moved into new definition of SQG.
Accumulation Time Limit	§ 262.34(f)	§ 262.10(b)	Moved
Accumulation Limit	§ 262.34(g)(1)	§ 262.10(b)(1)	Moved
Accumulation in Containers	§ 262.34(g)(2) references part 265 subpart D	§ 262.10(b)(2)	Duplicated from part 265
Accumulation in Tanks	§ 262.34(g)(3) references part 265 subpart E	§ 262.10(b)(3)	Duplicated from part 265
Accumulation on Drop Pads	--	§ 262.10(b)(4)	No previous regulation reference for SQGs on drop pads.
Accumulation in Containment	--	§ 262.10(b)(5)	No previous
Buildings	--	regulation part 265 subpart DD	regulation reference for SQGs on containment buildings.
Marking of Tanks and Containers	§ 262.34(h)(1) references § 261.34(x)(2) and (3)	§ 262.10(b)(6)	Copied from § 261.34 with some changes
Preparations and Restraints	§ 262.34(h)(2) references part 265 subpart C and § 261.34(h)(3)	§ 262.10(b)(7) and (8)	Duplicated from part 265 and moved from § 261.34
Land Disposal Restrictions	§ 262.34(h)(4) references part 265	§ 262.10(b)(5)	There is still a cross-reference to part 265
Transporting Over 200 Miles	§ 262.34(i)	§ 262.10(c)	Moved from § 261.34
Accumulation Time Limit Provisions	§ 262.34(f)	§ 262.10(b)	Moved from § 261.34
Rejected Loads	§ 262.34(m)	§ 262.10(d)	Moved from § 261.34
Epicritic Generation	N/A	Part 265 subpart L	New provision

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CITATIONS FOR LQGS

Table 5—Crosswalk of Previous Citations to New Citations for LQGs

Regulation	Previous Citation	New Citation	Comment
Definition of Large Quantity Generator	N/A	§ 260.10	New definition
Accumulation Time Limit	§ 262.34(a)	§ 262.17(a)	Moved from § 262.34
Accumulation in Containers	§ 262.34(a)(1)(i) references part 265 subparts J, AA, BB, and CC	§ 262.17(a)(1) (i) 262.17(a)(1) also references part 265 subparts AA, BB, CC	There is still a cross-reference to part 265 subparts AA, BB, and CC because of the length of these regulations
Accumulation in Tanks	§ 262.34(a)(1)(ii) references part 265 subparts J, AA, BB, and CC	§ 262.17(a)(2) references part 265 subparts J, AA, BB, CC	There is still a cross-reference to part 265 subparts J, AA, BB, CC because of the length of these regulations
Accumulation on Drop Pads	§ 262.34(a)(1)(iii) (i) 262.34(a)(1)(iii) also references part 265 subpart W	§ 262.17(a)(3) (i) 262.17(a)(3) also references part 265 subpart W	Accumulation time limit and recordkeeping provisions move to § 262.17 and the extensive technical standards remain in part 265
Accumulation in Containment Buildings	§ 262.34(a)(1)(iv) (i) 262.34(a)(1)(iv) also references part 265 subpart DD	§ 262.17(a)(4) also references part 265 subpart DD	Accumulation time limit, labeling, and recordkeeping provisions move to § 262.17 and the extensive technical standards remain in part 265
Marking and Labeling	§ 262.34(a)(2) and (3)	§ 262.17(a)(5)	Moved from § 262.34

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CITATIONS FOR LQGS (CONT'D)

Table 5—Crosswalk of Previous Citations to New Citations for LQGs

Preparedness, Prevention, and Emergency Procedures	§ 262.34(a)(4) references part 265 subparts C and D	§ 262.17(a)(6) references part 262 subpart M	Cross-references remain but to a new subpart of the generator regulations
Personnel Training	§ 262.34(a)(4)	§ 262.17(a)(7)	Moved from § 262.34
Closure	§ 262.34(a)(1)(v)(B) references §§ 265.11 and 265.114. Section 265.111 references other sections in part 265.	§ 262.17(a)(8)	Duplicated from §§ 265.11 and 114 with some revisions
Land Disposal Restrictions	§ 262.34(a)(4) references applicable parts of part 268	§ 262.17(a)(9)	There is still a cross-reference to part 268
Extension of Accumulation Times	§ 262.34(b)	§ 262.17(b)	Moved from § 262.34
Accumulation of PFOs	§ 262.34(g) through (i)	§ 262.17(c) through (e)	Moved from § 262.34
Accepting waste from VSQGs under the control of the same person to consolidate before sending to TSDF	N/A	§ 262.17(f)	New provision
Rejected Loads	§ 262.34(m)	§ 262.17(g)	Moved from § 262.34


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CONCLUSION


- 1. New Rules Effective May 30, 2017**
South Carolina: Published June 28, 2019
- 2. States Must Amend Regulations**
 - VSQG/SQG
- 3. Be Careful:**
 - Waste determinations
 - SAA Areas
 - Closure Requirements

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
CONCLUSION

So Relax...
They're not too bad after all...

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