

40 CFR, Parts 257-279; 401KAR, Chapter 39
Hazardous Waste Generator Improvements Rule
Proposed September 25, 2015; Published November 28, 2016
Effective May 30, 2017 (Federal); December 7, 2018 (Kentucky)

BACKGROUND

The EPA has stated that, based on some of their analysis, between 10% and 30% of hazardous waste is improperly managed. Therefore, the Hazardous Waste Generator Improvements Rule was promulgated which includes over 60 changes in the program and, as stated by the EPA, attempts to:

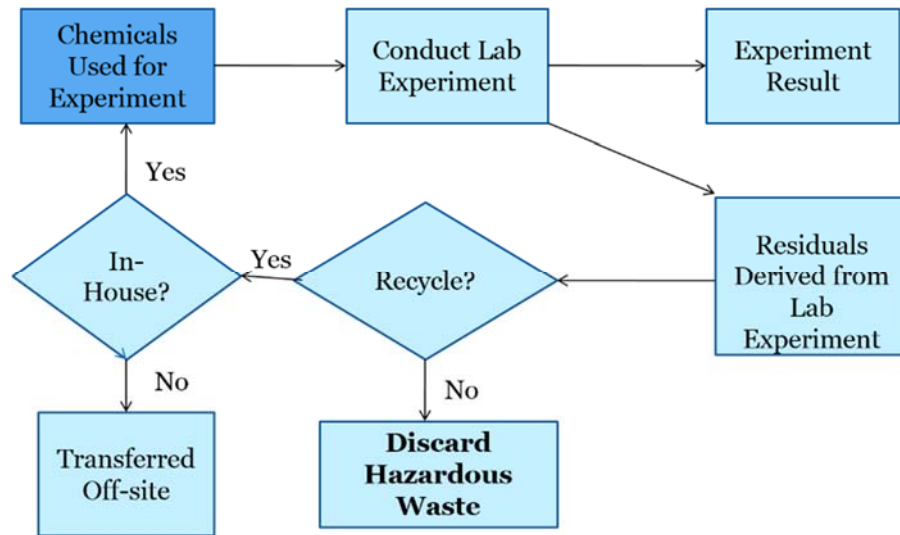
- Make the regulations more user friendly and enable improved compliance
- Provide greater flexibility to manage waste in a cost-effective manner
- Strengthen environmental protection by addressing gaps in the regulations
- Clarify some components of the generator program to foster improved compliance

§260.10 - Definitions and Classification of Generators:

- The classification for CESQG has been changed to VSQG with the threshold remaining the same, i.e. generation of < 100 kg per month.
- SQG and LQG designations remain the same.
- The definition for locations which centrally accumulate waste has been clarified as being a *Central Accumulation Area (CAA)*. These locations at the University are the Chemistry less than 90-day area, the CAER and VDL less than 180-day areas, and the EW Brown Power Plant less than 90-day area. The term CAA is taken from Subpart K for research and academic labs and specifically refers to 90-day or 180-day accumulation areas.
- **Kentucky has established regulations stating that VSQG locations be registered on an annual basis and requiring a \$300 registration fee.**

§262.11 - Waste Determination and Recordkeeping:

- Accurate waste determination **MUST** be made at the point of generation. The determination may be based on generator knowledge, or testing as necessary.
 - *The EPA expectation is that the point of generations is the point at which the solid waste is first generated and intended to be discarded, i.e. the Satellite Accumulation Area (SAA).* It is expected that the waste determination will follow a systematic approach as illustrated in the chart below from the EPA:



- It is acceptable to over classify but not to under classify.
- **A generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste and the records must be maintained for 3 years after the waste was last generated.**

§262.15 – Standards Applicable to Satellite Accumulation Areas (SAA)

Satellite Accumulation Areas are those laboratories, physical plant facilities, athletics facilities, pharmacies, and Healthcare patient care areas where Hazardous Waste is generated and then accumulated until a container is ready for pick up. The quantity of waste will not exceed 55 gallons of non-acute Hazardous Waste or 2.2 pounds (1 quart) of acute Hazardous Waste.

- There are clarifications regarding what “under the control of the operator” constitutes:
 - The operator controls access to SAA by access card, key, or lock box
 - The operator accumulates waste in a locked cabinet and controls access to the key (even if access to the room is not controlled)
 - The operator is regularly in view of the SAA during the course of their job
 - The operator is able to see if anyone enters or exits the SAA
 - There can be more than one operator having control of the SAA such as the designated lab occupants.
- Containers accumulating wastes that are incompatible with other waste containers must be separated by any practical means.
- Containers may be open for temporary venting, proper operation of equipment, or to prevent dangerous situations.
- The requirement that the contents of the container be indicated have not been included in the final rule. However, practically, so that an accurate waste determination may be made, and the hazards of the waste identified, the University policy is that the contents of the waste must be maintained on the container.
- The EPA waste codes are not required to be on the labels at the SAA.
- The hazards of the contents must be indicated using waste characteristics such as ignitable, corrosive, reactive, toxic; or the DOT hazards indications; or a hazard statement or pictogram consistent with OSHA; or labels consistent with NFPA.
- This labeling must occur beginning at the initial point of generation
- All SAA’s must meet requirements to have a contingency plan quick reference for emergencies involving hazardous waste in the SAA.

§262.16 – Large Quantity Generator

- EPA waste codes are required to be on the containers prior to the waste being shipped off-site (§262.32). This is not a change from current operations.
- If a CAA is closed (i.e. permanently removed from service):
 - Notifying EPA or state they have met closure performance standards; *or*
 - Place notice in operating record within 30 days after closing CAA and addressing closure when facility closes.
 - If the facility closes it must meet clean closure or close as a landfill.
- Closure does not apply to SAA's.

Subpart L - §- 262.230 - §262.233 – Episodic Generation

- SQG and VSQG may manage planned or unplanned episodic events (1/year) and petition the EPA for an additional event without affecting their registration status. There are some detailed requirements regarding the event which are:
 - Beginning and end date of the episodic event
 - A description of the episodic event
 - Types of hazardous wastes generated
 - Quantities of hazardous wastes generated
 - How the hazardous waste was ultimately managed and the name of the RCRA-designated facility or facilities that received the hazardous waste
 - Name of the hazardous waste transporter(s)
 - Approval letter from EPA if a petition was submitted and approved for a second event

Subpart M - §262.250 - Contingency Plans

- Must document that there has been an attempt to make emergency arrangements with local responders, *including the LEPC*, which includes familiarizing the responders with the layout, properties of hazardous waste being handled, and locations of the waste. Records of these arrangements must be maintained as part of the operating record.
- When the Contingency Plan is amended, a quick reference guide must be prepared which includes:
 - Types and names of hazardous waste and associated hazards
 - Estimated maximum amounts
 - Any waste requiring special treatment
 - Map showing generation and accumulation locations
 - Map of facility and surroundings to include routes of access
 - Location of water supply
 - Identification of emergency equipment
 - Telephone number and name of emergency coordinator
- The requirement to include home addresses for the emergency coordinators has been removed.

In addition to the details discussed, other changes have been codified which are not expected to have an impact on the University and the regulations have been reorganized.