More On EPA’s Updated HazWaste Regulations

*The Hazardous Waste Generator Improvements Rule*

In an effort to make the hazardous waste (HW) regulations easier to understand and more in line with today’s business operations, EPA has issued updates and changes to its Resource Conservation and Recovery Act (RCRA) HW regulations.

EPA has made over 60 changes which are geared to make technical corrections, clarify, increase flexibility and improve environmental protection. The changes will not go into effect until May 2017, then every state but Iowa and Alaska will have until mid-2018 to implement and adopt (or not adopt) the less stringent requirements. Among the most prominent of these changes are:

Consolidation of VSQG Waste at LQGs

EPA now allows very small quantity generators (VSQG, now the term for the former “conditionally exempt small quantity generator”) to consolidate waste at a large quantity generator (LQG) under the control of the same person. In some cases, organizations have satellite locations that qualify as a VSQG and could take advantage by consolidating together. VSQGs would need to mark and label their waste as “Hazardous Waste,” and indicate the hazards associated with the contents. LQGs would notify on the Site ID Form 30 days prior to receiving the waste that they are participating in this activity, who the VSQG is, maintain records for each shipment for 3 years, mark the accumulation units with the date the HW was received, manage consolidated waste as LQG waste and report in annual and biennial reports.

Emergency Planning and Preparedness

* LQGs must document they have made the required arrangements with emergency responders and the LEPC (local emergency planning committee).
* New LQGs submitting Contingency Plans must include an executive summary which has the most critical information for immediate response to an event including types and amount of HW, maps of site and surrounding areas, location of water supply, identification of the onsite notification system and emergency contacts. This is considered a quick reference guide for emergency responders.
* Contingency planning and emergency procedures only applies to areas where HW is accumulated and thus applies to both 90/180/270 day accumulation and satellite accumulation areas.
* Contingency plans may now also be sent to the LEPC. The next time you update your contingency plan, it must be sent to local emergency responders.
* Home information is no longer required.
* Contractors can clean-up releases.
* Updated equipment list in line with modern technology.

Labeling

* Container labels must indicate the content’s hazards using the applicable hazardous waste characteristic, DOT label or placard, OSHA hazard statement or pictogram or an NFPA label
* Tanks, drip pads and containment buildings can keep this information in logs or records kept near the accumulation site.
* Tanks and containment buildings must mark their containers with “Hazardous Waste” and an indication of the hazard(s) of the contents.
* SQG/LQG pre-transportation markings now need to include the EPA hazardous waste codes.
* Tags are acceptable for small containers as is hazardous waste in its original container with appropriate marking and labeling on it, such as an unused chemical product in its original container.

Reporting

* SQGs must re-notify every 4 yrs. starting in 2021 and the reporting period for this is September 1 of the year the re-notification is required. LQGs must re-notify by March 1 of each even-numbered year as part of their biennial report.
* LQGs must report all HW generated in a calendar year, throughout the calendar year, even when managed the next calendar or when they are an SQG.
* A facility which is an LQG even one month of an odd-numbered reporting year must submit a biennial report which identifies HW generated the entire year, not just the month(s) it was an LQG.
* Recycling facilities must report wastes that aren’t stored prior to recycling.

Satellite Accumulation Areas

* HW must not be mixed or placed in a container with other incompatible HW.
* Containers can remain open under limited circumstances, when necessary, for safe operations.
* 3 days means 3 consecutive calendar days.
* Provide maximum weight, in addition to volume for the acute HW limit.
* When maximum weight or volume is exceeded, HW must be moved to a central accumulation area or TSDF.

Episodic Generation

Allows generators to maintain their existing category provided they comply with certain requirements:

* Only allowed once per calendar year with the ability to petition for a second event (only if it’s unplanned).
* Notify EPA or State 30 days prior to initiating a planned episodic event (72 hours for unplanned), and have up to 60 days to complete and ship waste offsite.
* Records must be kept for 3 years.
* Planned and unplanned events are further defined in the new regulation as well.

HW Determinations

* Generator’s waste must be classified at its point of generation and at any time during the course of its management. Container markings and labels apply at the point of generation as well.
* Explains in more detail how generators can use generator knowledge and how a generator should evaluate its waste for hazardous characteristics.
* If HW is mixed with solid waste, the generator must make a determination for the resulting mixture.

50-Foot Waiver for Fires

* Allows generators to approach the fire department to receive a waiver for ignitable and reactive wastes to be stored less than 50-ft from the facility’s property line if the fire department believes that the precautions taken by the facility make the waiver appropriate and safe.

Closures

* Requires closure as a landfill for when LQGs accumulating in containers fail to clean close.
* Requires LQGs to notify EPA or authorized state no later than 30 days prior to closing an accumulation area and within 90 days after a closure of a unit or facility.

Reorganization of Generator Requirements

Some of the citation numbers for provisions within the regulation will change:

* Generator Category Determination, Citations 261.5(c)-(e) will become 262.13.
* VSQG (CESQG) Provisions, Citations 261.5(a), (b), (f)-(g) will become 262.14.
* Satellite Accumulation Area Provisions, Citation 262.34(c) will become 262.15.
* SQG Provisions, Citations 262.34(d)-(f) will become 262.16.
* LQG Provisions, Citations 262.34(a), (b),(g)-(l), (m) will become 262.17

Other Clarifications

Additional clarifying guidance has been added for these situations.

* Determining generator category when generating acute and non-acute HW in the same month.
* Determining generator category when mixing solid waste and HW.
* Further explanation of the procedures for making HW determinations and counting HW.
* Identifying the requirements for SQGs who accumulate HW on drip pads and in containment buildings.
* Defining terms not currently defined.

If you need help in navigating through these hazardous waste issues, or need help with reporting, inspections, training, or anything else, please contact Tammy Gonzales at (888) 264-7050 for a price quote.