

Hazardous Waste Generator Improvements Proposed Rule

How Will It Affect Me?

**A&WMA Southern Section
Annual Meeting & Technical Conference**

September 22, 2016

AGENDA

What is the timeline?



Who is affected?



What are some of the changes?



Where can I get more info?



WHAT IS THE TIMELINE?

- 1980s – most generator rules were promulgated
- 2004 – EPA conducted evaluation of the generator program and published ANPRM
 - 500 public comments received
- Multiple non-regulatory actions taken to respond to comments



WHAT IS THE TIMELINE?

- Remaining items had to be addressed through rulemaking



FEDERAL REGISTER

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Part II

Environmental Protection Agency

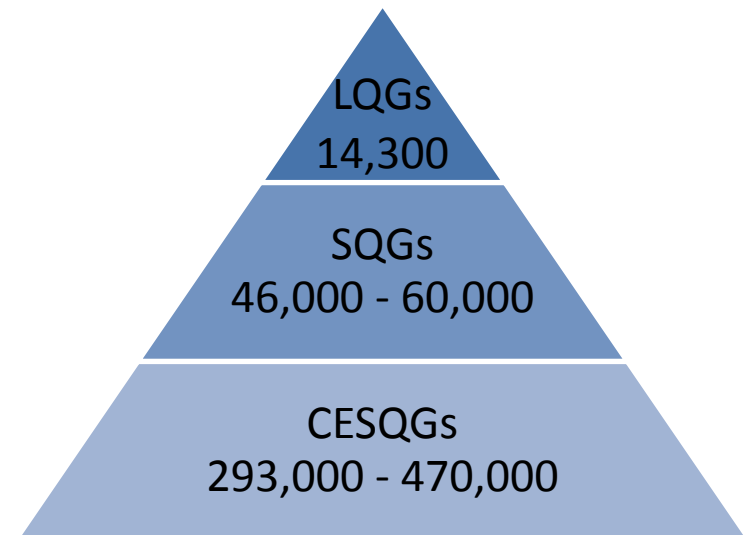
40 CFR Parts 260, 261, 262, et al.
Hazardous Waste Generator Improve; Proposed Rule

- September 25, 2015 – proposed rule published in the Federal Register
 - Comment period closed on December 24, 2015
 - 237 comments received

- **Expect the Final Rule to be promulgated in October**

WHO IS AFFECTED?

- Generators
- Regulators – state, federal, local
- Emergency responders
- Public
- TSDFs



WHAT IS CHANGING?

EPA states the 2015 HW Generator Improvements Proposed Rule seeks to—

1. Reorganize the regulations to make them more user-friendly and thus enable improved compliance by the regulated community
2. Provide greater flexibility for hazardous waste generators to manage waste in a cost-effective manner
3. Strengthen environmental protection by addressing identified gaps in the regulations
4. Clarify certain components of the hazardous waste generator program to address ambiguities and foster improved compliance



WHAT IS CHANGING?

- Major rule provisions
 - **Reorganization**
 - **Consolidation of CESQG Waste at LQGs**
 - **Episodic Generation**
 - Emergency Planning and Preparedness
 - **Hazardous Waste Determinations**
 - **Conditions for Exemption**
 - **Labeling**
 - **Reporting**
 - Satellite Accumulation Areas
 - Waiver to 50-foot Requirement
 - **Closure**
 - Additional Clarifications



WHAT IS CHANGING?

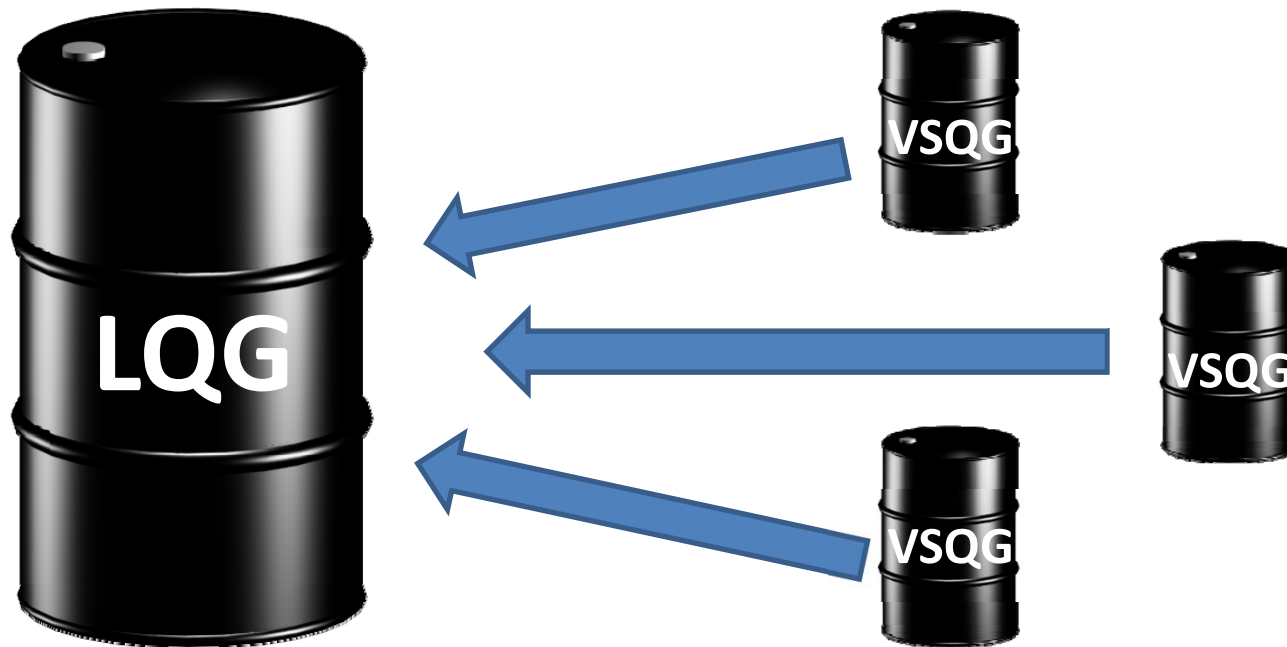
Reorganization of Generator Regulations



Provision	Existing Citation	Proposed Citation
Generator Category Determination	§ 261.5(c)–(e)	§ 262.13
CESQG Provisions	§ 261.5(a), (b), (f)–(g)	§ 262.14
Satellite Accumulation Area Provisions	§ 262.34(c)	§ 262.15
SQG Provisions	§ 262.34(d)–(f)	§ 262.16
LQG Provisions	§ 262.34(a), (b), (g)–(i), (m)	§ 262.17

WHAT IS CHANGING?

- **Consolidation of VSQG waste at LQGs**
 - Facilities must be under same control
 - VSQG – mark and label waste container
 - LQG – notify state, recordkeeping each shipment, manage waste as LQG waste, reporting in biennial report



WHAT IS CHANGING?

- **Episodic Generators**

- Current – generator status can vary from month to month (with different requirements)
- Proposed – VSQGs and SQGs could maintain their regular status
 - Get one “free” episodic event per year and could petition for one more per year
 - Would have to notify EPA in writing
 - Have an EPA ID number
 - Accumulate waste in a proper container, marked “Episodic Hazardous Waste” and additional labels
 - Manifest wastes to TSD facility within 45 days
 - Recordkeeping of the event, reasons for event, types and quantity of wastes...



WHAT IS CHANGING?

- **Labeling**

- Containers would be required to have:

- Accumulation start date
- The words “Hazardous Waste”
- The hazards of the contents (e.g., “ignitable”)
- Additional words that describe the contents (e.g., chemical name, DOT shipping name)
- Applicable haz waste codes when shipping offsite



WHAT IS CHANGING?

- **Reporting**

- Propose to require SQGs to re-notify every 2 years (biennially) on Form 8700-12
- Propose to “tidy” up current biennial reporting process
 - Clear up discrepancies between the Form instructions and the CFR
 - Clarify scenarios such as requiring LGQs to report on the entire calendar year, even months where they were SQGs or report on all wastes generated in a calendar year, even if managed in the following year



WHAT IS CHANGING?

- **New recordkeeping requirements for hazardous and non-hazardous waste determinations**
 - Current – must determine if solid wastes are hazardous and LQGs/SQGs must maintain documentation of haz waste determinations
 - Proposed – LQGs/SQGs would have to maintain documentation of haz and non-haz waste determinations



WHAT IS CHANGING?

- **Effect of Non-Compliance With Conditions for Exemption**

- New language would cause a generator that fails to comply with any one of the Conditions for Exemption to be an operator of an illegal, unpermitted TSDF
- Examples of Conditions for Exemption:
 - SQG generates >100 kg and <1,000 kg of non-acute waste in a calendar month
 - LQG accumulates waste for no more than 90 days
 - Containers must be closed unless adding or removing waste
- No distinction between operational requirements vs. criteria that distinguish between generator status
- All or nothing enforcement action



WHAT IS CHANGING?

- **Changes to address preparedness and planning**
 - New requirements for LQG contingency plans
 - New LQGs submit plans to include executive summary with critical info for immediate response
 - Language clarified that plan only has to address areas where haz wastes are generated and/or managed
 - Documenting arrangements with LEPCs
 - Generator documents that required arrangements have been made with emergency responders



WHAT IS CHANGING?

- **Closure Requirements**

- Current – generators are generally exempt, except LQGs must close in accordance with general performance standards and unit-specific standards for tanks, drip pads, containment buildings
- Proposed – notification requirements (before and after), container storage areas would have unit-specific standards



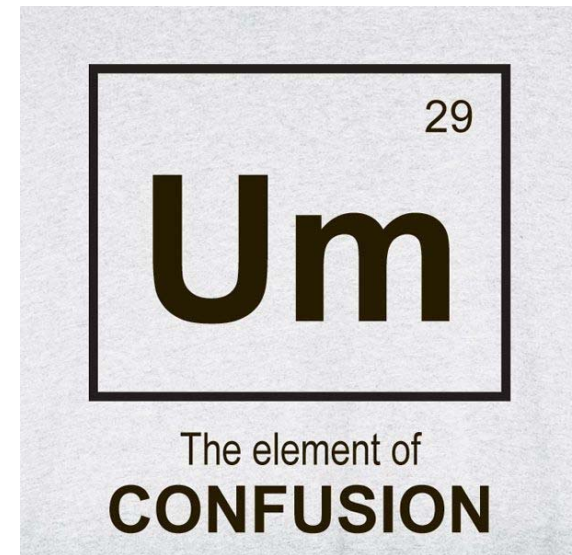
WHERE TO GET MORE INFO?

- EPA's Website
 - <https://www.epa.gov/hwgenerators/proposed-rule-hazardous-waste-generator-improvements>
- Regulations.gov
 - <https://www.regulations.gov/document?D=EPA-HQ-RCRA-2012-0121-0001>
- State agencies
- Industry trade associations
 - ACC, AF&PA, AFPM, AISI, AWC, IPC, CIBO, MEMA, NOPA, RMA, TFI



CONCLUSION

- RCRA generator regulations are confusing
- This is a significant update to the regulations
- It will take time for regulators and the regulated community to understand how the RCRA pieces fit together



QUESTIONS



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