EPA Issues Revisions to Hazardous Waste Generator Rule

The U.S. Environmental Protection Agency (EPA) published a proposed revision to the Hazardous Waste Generator regulations on September 25, 2015. Revisions are currently planned to be finalized in October 2016. This rule will impact any generator of hazardous waste. EPA's stated intent with these proposed rule revisions is to:

- Address gaps in regulations
- Provide greater flexibility to manage hazardous waste (HW) in a cost-effective and protective manner
- Make more user-friendly to improve compliance
- Make technical corrections
- Remove obsolete references
- Improve readability of the regulations
- Address ambiguities (e.g. clearly state that HW cannot be sent to a non-authorized facility).

Scope of Proposed Revisions

While detailed proposed revisions are provided below, there are several areas more stringent, and some less stringent, than the current regulation.

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- Change “conditionally exempt small quantity generator” (CESQG) to “very small quantity generator” (VSQG).
- Add “very small quantity generator” (VSQG) and “large quantity generator” (LQG) definitions.
- Revise “small quantity generator” (SQG) definition.
- Define “central accumulation area” as any on-site HW accumulation area with HW accumulating in units subject to Section 262.16 or 262.17.

40 CFR Part 261—Identification and Listing of Hazardous Waste

- Add a provision to explain what generator category applies to an entity that generates both acute and non-acute HW in the same calendar month.
- Revise the regulations that address the mixing of a non-HW with a HW.
- Amend to allow CESQGs to send their HW to LQGs that are operated under control of the same person.
- Amend to require biennial reporting for owners or operators of facilities that recycle but do not store HW.

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40 CFR Part 262—Standards Applicable to Generators of Hazardous Waste

- Revise the regulations for making HW determinations.
- Require that labeling indicate HW is present, identifies chemical names, and lists potential hazards.
- Revise the closure provisions for LQGs.
- Update the preparedness, prevention, planning and emergency procedures for SQGs and LQGs.
- Revise the provisions for satellite accumulation areas (SAA) for SQGs and LQGs.
- Revise the SQG regulations for accumulating HW on drip pads.
- Delete obsolete regulations that refer to the Performance Track program.
- Revise the biennial reporting provisions for LQGs.
- Add a provision that HW generators are prohibited from disposing liquid HW in landfills.

40 CFR Part 263—Standards Applicable to Transporters of Hazardous Waste

- Revise marking and labeling standards for transporters to be consistent with the proposed standards for containers for SQGs, LQGs, and satellite accumulation areas.

40 CFR Parts 264 and 265—Standards for Owners/Operators of Hazardous Waste TSDFs & Interim Standards for Owners

- Modify reporting provisions for facilities receiving HW without a permit.
- Modify special conditions for ignitable and reactive wastes to allow LQGs to apply for a waiver from their local fire departments if HW cannot be stored at least 15 meters (50 feet) from the site’s boundary.

40 CFR Part 268—Land Disposal Restrictions

- Revise the marking and labeling requirements to be consistent with the proposed marking and labeling standards for containers at SQGs, LQGs, and satellite accumulation areas.

Rule Adoption and Implementation

- The rule is not automatically effective in RCRA authorized states.
- More stringent provisions are required to be adopted.
- Typically EPA provides a 6 month effective date window from final rule publication date.

How to Prepare

- Review/update waste characterization documentation for HWs and solid wastes.
- Review waste generation status.
- Evaluate labeling and marking procedures at your facility.
- Check HW training program(s) and records.
- Review/update Contingency plan and agreements with local emergency responders.
- Assess compliance with the RCRA air emission standards for process vents, equipment leaks, and tanks, containers, or surface impoundments.

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