

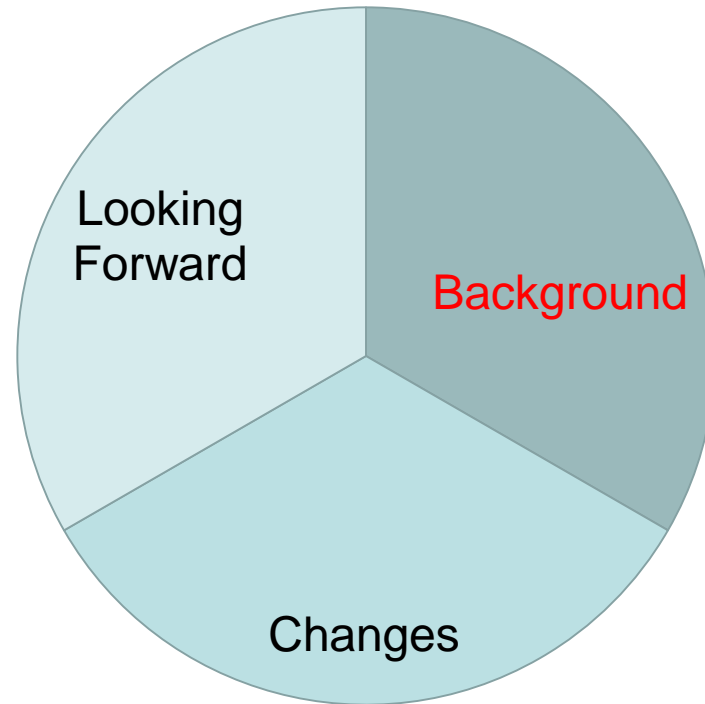
Air & Waste Management Association
Kentucky Chapter

April 20, 2016



Hazardous Waste Generator Improvements **EPA's Proposed Rule**

Chris Kahn



Background

- Proposed changes to rules that apply to generators of hazardous waste
- RCRA Subtitle C program launched in 1980
 - “cradle to grave” regulation of hazardous waste
- Revisions 10+ years in the making; > 500 comments
- Goal: clarify, simplify, provide flexibility



Background

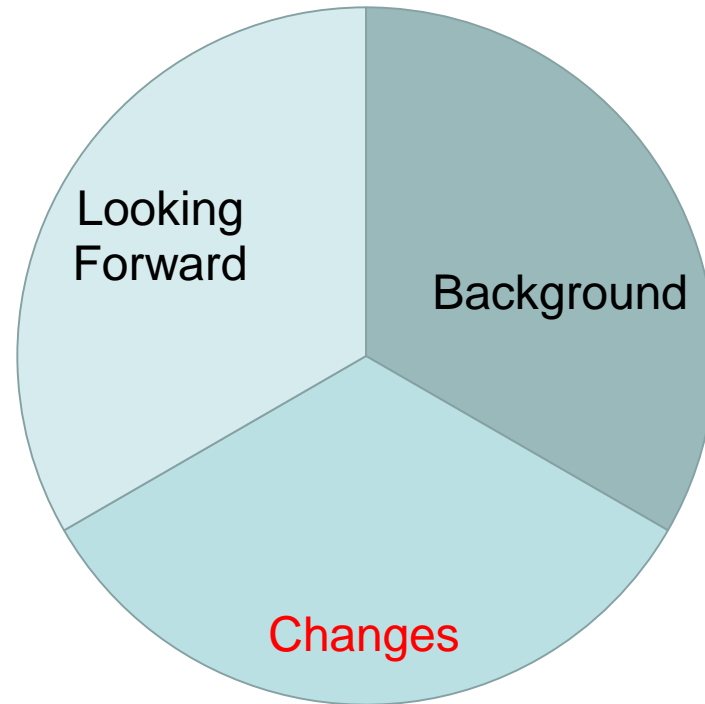
- Current classifications (based on amount generated per month):
 - Large Quantity Generator (LQG): ≥ 1000 kg
 - Small Quantity Generator (SQG): 100 – 1000 kg
 - Conditionally Exempt Small Quantity Generator (CESQG): ≤ 100 kg
 - *New term: Very Small Quantity Generator (VSQG)*

Who is Impacted?

Generator Status	Number of Facilities	Total Hazardous Waste Generated (tons)	Percent of Total Hazardous Waste Generated
CESQGs	293,000–470,000	59,000–144,000	<1%
SQGs	46,000–60,000	70,000–152,000	<1%
LQGs	14,300	34.5 million	99%
Total	353,300–544,300	34.7–34.8 million	100%

What are the Impacts?

- Types of requirements
 - Accumulation limits (quantity and time)
 - Personnel training
 - Contingency planning & emergency procedures
 - Air emissions requirements
 - Recordkeeping & reporting



Change # 1: Waste consolidation

- Allows CESQGs to ship waste to LQG under the control of the same company
- Reduces operating costs, environmental liability



Change # 2: Episodic generation

- CESQGs and SQGs can maintain usual generator category during a non-routine event
 - Planned (e.g., periodic maintenance)
 - Unplanned (e.g., spill/upset condition, product recall)
- Comply with more comprehensive regulations for short period of time
- Defaults: 45-day period, one occurrence per year (but some flexibility depending on circumstances)

Change # 3: Documenting HW determinations

- Applies to SQGs and LQGs (not VSQGs)
- Expanded to determination that a solid waste is *not* hazardous waste
- Analytical testing or generator knowledge (materials and/or processes)
- May need to revisit determination (e.g., when processes or vendors change)
- Determination must be accurate



Change # 4: SQG and LQG Re-notification

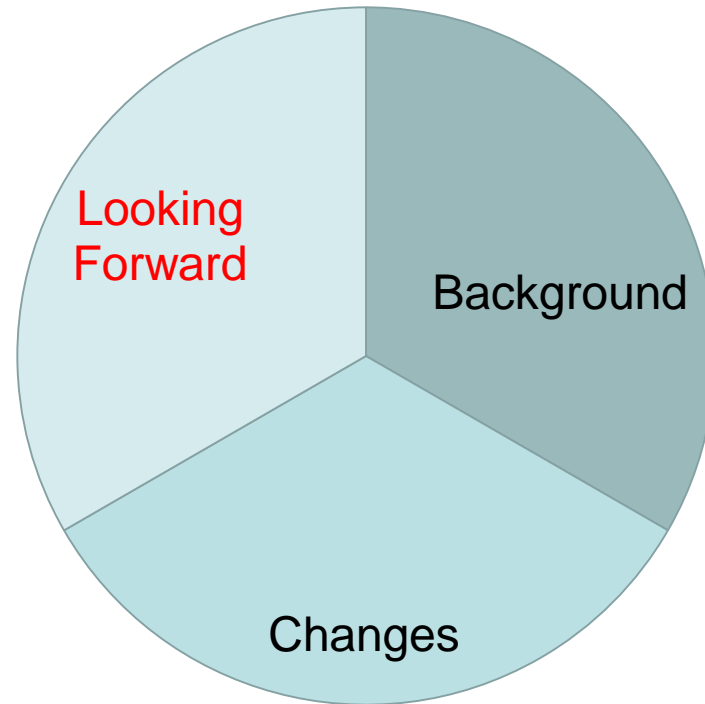
- Every 2 years, notify of changes or certify if no changes
- Also required for change in ownership or generator category
 - 30 days following the change

Change # 5: Document LEPC Arrangements

- Document arrangements with local emergency responders

Change # 6: Closure

- Closure requirements for LQGs accumulating hazardous wastes in containers.
- Notify EPA or state no later than 30 days prior to closure and 90 days after closure of unit



Schedule

- Published in Federal Register on September 25, 2015
- Comment period ended December 24, 2015 (after 30-day extension)
- Finalized in September 2016 (?)
- Authorized states must adopt more stringent provisions



Industry comments

- Generally supportive
- Requirement to document non-HW determination too broad, burdensome
 - **Preamble: focus is on “solid wastes that have the potential to be hazardous wastes” → does this add any clarity?**

Questions?