Hazardous Waste Generator Improvements
EPA’s Proposed Rule

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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?

<table>
<thead>
<tr>
<th>Generator Status</th>
<th>Number of Facilities</th>
<th>Total Hazardous Waste Generated (tons)</th>
<th>Percent of Total Hazardous Waste Generated</th>
</tr>
</thead>
<tbody>
<tr>
<td>CESQGs</td>
<td>293,000–470,000</td>
<td>59,000–144,000</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>SQGs</td>
<td>46,000–60,000</td>
<td>70,000–152,000</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>LQGs</td>
<td>14,300</td>
<td>34.5 million</td>
<td>99%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>353,300–544,300</td>
<td>34.7–34.8 million</td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>
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?