



METRA

Metropolitan Environmental
TRaining Alliance

**Hazardous Waste
Generator Improvement Rule
Specific Changes Worth Noting**

Adopted June 2018



RCRA Requirements

Independent Requirements

Vs.

Conditions for Exemption



Independent Requirements

- A requirement of Part 262 that states an event, action, or standard that must be met irrespective of the purpose of obtaining a conditional exemption from storage facility permit requirements
- Independent requirements of a very small quantity generator (VSQG), small quantity generator (SQG), and large quantity generator (LQG) are identified in 40 CFR 262.10(a)(1)



Conditions for Exemption

- A requirement of Part 262.14, 262.15, 262.16, 262.17,..., that states an event, action, or standard that must occur or be met in order to obtain a conditional exemption from storage facility permit requirements
 - Conditions for Exemption for a VSQG are found in 262.14
 - Conditions for Exemption for a SQG are found in 262.16
 - Conditions for Exemption for a LQG are found in 262.17



Waste Determination

- The hazardous waste determination for each solid waste must be made at the point of waste generation before any dilution, mixing, or other alteration of the waste occurs,
- At any time in the course of its management that it has, or may have, changed its properties as a result of exposure to the environment or other factors that may change the properties of the waste such that the RCRA classification of the waste may change



Waste Determination

- The generator must apply knowledge of the hazard characteristic of the waste in light of the materials or the processes used to generate the waste
- Acceptable knowledge is specifically described and documented



Waste Determination

- A small or large quantity generator must maintain records supporting its hazardous waste determinations...
- Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal
- The records must include, but are not limited to, the following types of information: The results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; ...



Waste Determination

- If the waste is determined to be hazardous, SQGs and LQGs must identify all applicable EPA hazardous waste codes
- Prior to shipping the waste off site, the generator must also mark its containers with all applicable EPA hazardous waste codes



Generator Category Determination

- A generator must determine its generator category
- A generator's category is based on the amount of hazardous waste generated each month and may change from month to month



Generator Category Determination

| Qty of acute HW generated in a calendar month | Qty of non-acute HW generated in a calendar month | Qty of residues from cleanup of acute HW generated in a calendar month | Generator Category |
|---|---|--|--------------------|
| > 1 kg | Any amount | Any amount | LQG |
| Any amount | ≥ 1,000 kg | Any amount | LQG |
| Any amount | Any amount | > 100 kg | LQG |
| ≤ 1 kg | > 100 kg and < 1,000 kg | ≤ 100 kg | SQG |
| ≤ 1 kg | ≤ 100 kg | ≤ 100 kg | VSQG |



EPA ID Number and Re-Notification

- A SQG must re-notify DEP starting in 2021 and every 4 years thereafter using form 8700-12FL. This re-notification must be submitted by September 1st of each year in which re-notifications are required
- A LQG must re-notify DEP by March 1 of each even-numbered year thereafter using form 8700-12FL. A LQG may submit this re-notification as part of its Biennial Report required under 262.41



EPA ID Number and Re-Notification

- **All notifiers, except VSQG's, need to notify DEP of all changes in status**
 - Changes in the facility name, location, mailing address
 - Changes in ownership or management control of the facility or ownership of the real property
 - Changes in facility contact person
 - Changes in type of regulated waste activity or generator status
 - Going out of business, tax default, or petition for bankruptcy protection



Container Inspections

- At least weekly, the SQG/LQG must inspect central accumulation areas
- The SQG/LQG must look for leaking containers and for deterioration of containers caused by corrosion or other factors

[40 CFR 262.17(a)(1)(v)]

[40 CFR 262.16(b)(2)(iv)]



Container Inspections

State Requirements

Generators of HW accumulating HW on-site under 40 CFR 262.16, and 262.17 need to maintain written documentation of the inspections for 3 years from the date of the inspection

Documentation needs to include:

- **Date and time of the inspection**
- **Legibly printed name of the inspector**
- **Number of containers**
- **Condition of the containers**
- **Notation of the observations made**
- **Date and nature of any repairs or other remedial actions**



No Smoking Signs

For LQG's "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste



Container Labeling

Mark or label
containers with the
words “Hazardous
Waste”



HAZARDOUS WASTE

STATE AND FEDERAL LAW PROHIBIT IMPROPER DISPOSAL.
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY
AUTHORITY, THE U.S. ENVIRONMENTAL PROTECTION AGENCY
OR THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL.

GENERATOR INFORMATION:

NAME _____

ADDRESS _____ PHONE _____

CITY _____ STATE _____ ZIP _____

MANIFEST TRACKING NO. _____

EPA ID NO. _____

EPA WASTE NO. _____ CA WASTE NO. _____ ACCUMULATION START DATE _____

CONTENTS, COMPOSITION: _____

PHYSICAL STATE: ☐ SOLID ☐ LIQUID

HAZARDOUS PROPERTIES: ☐ FLAMMABLE ☐ TOXIC
☐ CORROSIVE ☐ REACTIVITY ☐ OTHER _____

UN/NA NO. WITH PREFIX

D.O.T. PROPER SHIPPING NAME

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[40 CFR 262.16(b)(6)(i)(A)]
[40 CFR 262.17(a)(5)(i)(A)]



Container Labeling

- **Mark or label containers with an indication of the hazards of the contents**
- **Examples include, but are not limited to:**
 - Applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic);
 - Hazard communication consistent with the DOT requirements at 49 CFR Part 172 Subpart E (labeling) or subpart F (placarding);
 - Hazard statement or pictogram consistent with the OSHA Hazard Communication Standard at 29 CFR 1910.1200; or,
 - Chemical hazard label consistent with the National Fire Protection Association code 704)

[40 CFR 262.16(b)(6)(i)(B)]

[40 CFR 262.17(a)(5)(i)(B)]



Characteristic Label Examples

Hazardous waste characteristics - Ignitable, Corrosive, Reactive, Toxic

DOT Hazard Communication – 49 CFR Part 172 Subparts E or F



NOTE: DOT Class 9 label is not acceptable. It does not reflect a hazard of the waste

Characteristic Label Examples

OSHA hazard
statement or
pictogram – 29 CFR
1910.1200

GHS PICTOGRAMS

| | | |
|---|---|---|
|  |  |  |
| Health Hazard <ul style="list-style-type: none">• Carcinogen• Mutagenicity• Reproductive Toxicity• Respiratory Sensitizer• Target Organ Toxicity• Aspiration Toxicity | Flame <ul style="list-style-type: none">• Flammables• Pyrophorics• Self-Heating• Emits Flammable Gas• Self-Reactives• Organic Peroxides | Exclamation Mark <ul style="list-style-type: none">• Irritant (skin and eye)• Skin Sensitizer• Acute Toxicity• Narcotic Effects• Respiratory Tract Irritant• Hazardous to Ozone Layer (Non-Mandatory) |
|  |  |  |
| Gas Cylinder <ul style="list-style-type: none">• Gases Under Pressure | Corrosion <ul style="list-style-type: none">• Skin Corrosion / Burns• Eye Damage• Corrosive to Metals | Exploding Bomb <ul style="list-style-type: none">• Explosives• Self-Reactives• Organic Peroxides |
|  |  |  |
| Flame Over Circle <ul style="list-style-type: none">• Oxidizers | Environment <ul style="list-style-type: none">• Aquatic Toxicity | Skull and Crossbones <ul style="list-style-type: none">• Acute Toxicity (fatal or toxic) |

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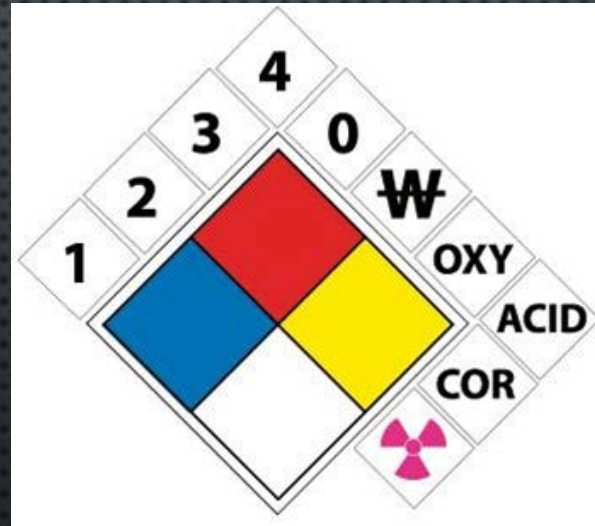
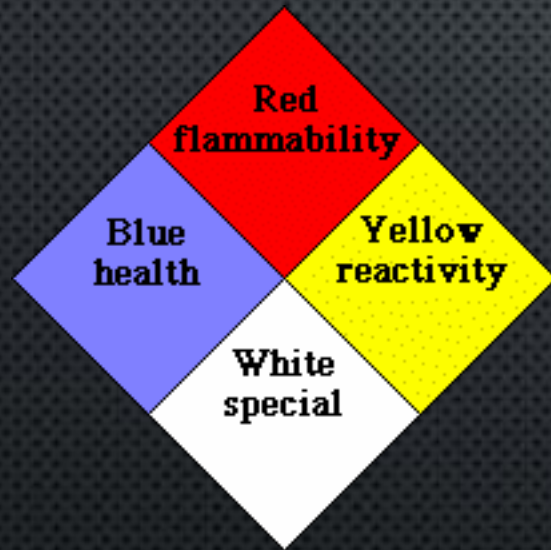
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[40 CFR 262.17(a)(5)(i)(B)]

Characteristic Label Examples

NFPA chemical hazard label – Code 704



Satellite Accumulation Container Labels

- A generator must mark or label its containers with the words “Hazardous Waste”
- Mark containers with an indication of the hazards of the contents



Satellite Accumulation

- All satellite accumulation areas operated by LQGs must meet the Preparedness, Prevention and Emergency Procedures 40 CFR 262 Subpart M
- All satellite accumulation areas operated by SQGs must meet the Preparedness and Prevention regulations of 40 CFR 262.16(b)(8) and Emergency Procedures at 262.16(b)(9)



Subpart M - Contingency Plan

After May 30, 2017, LQG creating or amending its contingency plan must submit a quick reference guide of the contingency plan to the local emergency responders



Subpart M - Contingency Plan

The quick reference guide must include the following elements:

- The types/names of HW in layman's terms and the associated hazard associated with each HW present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid, etc.);
- The estimated maximum amount of each HW that may be present at any one time;
- The identification of any HW where exposure would require unique or special treatment by medical or hospital staff;



Subpart M - Contingency Plan

The quick reference guide must include the following elements:

- A map of the facility showing where HW are generated, accumulated and treated, and routes for accessing these wastes;
- A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;
- Location of water supply (hydrant & flow rate)
- Identification of on-site notification systems (fire alarms, smoke alarm, etc.)
- Name and 24-hour telephone number of Emergency Coordinator



LQG Closure of a Unit

Notification for closure of a waste accumulation unit

- Place a notice in the operating record within 30 days after closure identifying the location of the unit within the facility; or
- Meet the closure performance standard of 262.17(a)(8)(iii) for the waste accumulation unit

If the waste accumulation unit is re-opened, the generator may remove the notice from the operating record



LQG Closure of a Facility

- Notify DEP using form 8700–12 no later than 30 days prior to closing the facility
- Notify DEP using form 8700–12 within 90 days after closing the facility that it has complied with the closure performance standards of paragraph (a)(8)(iii) or (iv)





Closure Performance Standard

At closure, the generator must close the waste accumulation unit or facility in a manner that:

- **Minimizes the need for further maintenance by controlling, minimizing, or eliminating, ..., the post-closure escape of hazardous waste, hazardous constituents, leachate, contaminated run-off, or hazardous waste decomposition products to the ground or surface waters or to the atmosphere**
- **Removes or decontaminates all contaminated equipment, structures and soil and any remaining hazardous waste residues from waste accumulation units including containment system components (pads, liners, etc.), contaminated soils and subsoils, bases, and structures and equipment contaminated with waste**



LQG Closure of a Facility

If the facility cannot meet the closure performance standards of paragraph 40 CFR 262.17(a)(8)(iii) or (iv):

- In the case of a container, tank, or containment building, notify DEP using form 8700–12 that the facility will close as a landfill under 40 CFR 265.310**
- For a facility with drip pads, notify using form 8700–12 that it will close under the standards of 40 CFR 265.445(b)**



Questions



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