

Generator Improvements Rule for Kansas Generators and Compliance Assistance



Our Mission: To protect and improve the health and environment of all Kansans.

Presenters

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COMPLIANCE ASSISTANCE VISITS

- Compliance Assistance Visits (CAVs) can be broken into four basic parts:
 - Introduction and review of information
 - Walk-through inspection of facility
 - Records review
 - Exit briefing



COMPLIANCE ASSISTANCE VISITS

Questions the inspector will ask about your waste streams:

- How much of each waste stream is generated in a month?
- How is each managed/contained/stored?
- How is each disposed?
- Is it hazardous waste?
- How did you determine whether or not it is hazardous?
- What documentation do you have for your determination?

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COMPLIANCE ASSISTANCE VISITS

- Common Violations and How to Prevent Them
 - Waste Determinations
 - Container Management
 - Preparedness and Prevention
 - Training
 - Unlawful Acts

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RESOURCES AVAILABLE

- Hazardous Waste Generator Handbook
- Compliance/Training Manual
- Inspector Checklists
- Technical Guidance Documents and Policies
- Website

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Applying for a CAV

- Policy established in 2010 details who is eligible
- Form available on our website at [http://www.kdheks.gov/waste/about compliance.html](http://www.kdheks.gov/waste/about_compliance.html)

Applying for a CAV

- Eligibility
 - Facilities can receive free technical assistance regarding applicable regulations.
 - Facilities can identify areas of non-compliance without being subject to traditional enforcement, including monetary penalties (some exceptions for major violations are explained in the attached CAV agreement).

Applying for a CAV

- New environmental staff at facilities can receive help as they assume new compliance responsibilities.
- New management can determine the current state of compliance of their facility.
- Facilities, where no violations or only minor violations are identified and corrected, will be exempt from routinely scheduled traditional hazardous waste inspections for a minimum of two years.

RESOURCES AVAILABLE

- KDHE wants to help all generators achieve compliance. Please call us with any questions.
- Small Business Environmental Assistance Program (SBEAP) operated by the Pollution Prevention Institute (PPI) at KSU 1-800-578-8898 (free anonymous assistance).

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EPA's Hazardous Waste Generator Improvements Rule

Effective May 30, 2017 (Federal)

Authorized states must pick up more stringent provisions by July 01, 2018, or July 01, 2019 for rules requiring a change in law.

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Kansas

Working to adopt the rule

Major update

- Last major update occurred in 2006 (current set of regulations)
- Last significant update occurred in 2011

This will also include many changes between 2006 and 2017

- These changes are built in to the 2017 CFRs

Kansas

Developing a policy to allow generators to begin complying with some of the less stringent parts of the new rule before adoption.

- **CESQGs and KSQGs waste consolidation at LQG facilities**
- **Episodic Generation Events**
- **LQG 50-foot property line waiver for D001 and D003 wastes**
- **Listing an LPEC as emergency response team**

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LQG Consolidation

CESQG, KSQG, and LQG facilities must be under the control of the same person

- **Person – as defined under RCRA in 40 CFR §260.10**
 - **e.g., individual, corporation, municipality**
- **Control – power to direct policies at the facility**

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LQG Consolidation

CESQG and KSQG:

- **Label containers “Hazardous Waste” and list hazards**

LQG:

- **Notify state with activity and which CESQGs or KSQGs are included**
- **Recordkeeping for each shipment**
- **Manage this waste as LQG waste**
- **Report in Biennial Reports**

LQG 50-Foot Waiver

Requirement for all D001 and D003 characteristic hazardous wastes to be at least 50 feet away from a facility's property line.

The waiver may be obtained from a local authority such as a fire marshal if the facility can show it has taken adequate precautions.

Emergency Preparedness

Arrangements with Local Emergency Planning Committees (LPECs) may be made if appropriate.

Large facilities with an internal emergency response capability may seek a waiver from entering into agreements with outside resources.

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Episodic Events

A facility is allowed one planned or unplanned event during a calendar year without changing its generator category.

- **Planned – notify at least 30 days prior to start**
- **Unplanned – notify within 72 hours**

Facility may petition for a second event in a year, but must be of the opposite nature.

- **One planned and one unplanned, never two of the same**

Episodic Events

Must maintain compliance with conditions outlined in 40 CFR §262 Subpart L including, but not limited to:

- **Labeling containers**
- **Event lasts no longer than 60 days (includes shipping waste off site)**

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Questions



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