



# RCRA Updates: Hazardous Waste Generator Improvements Final Rule

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2017



# History of the Rule

- ▶ Hazardous Waste Generator Program evaluated – 2004 (improved website, guidance material)
- ▶ Hazardous Waste Determination Program evaluation – 2013
- ▶ Proposed Rule – September 28, 2015 (60 proposed changes)
- ▶ Over 200 comments were received on the proposed rule

# Rule Process and Schedule

- ▶ Rule signed on October 28, 2016
- ▶ Publication in Federal Register - November 28, 2016
- ▶ Rule Becomes Effective - May 30, 2017
- ▶ Rule goes into effect in non-authorized states only (IA, AK, the territories, and tribal lands)
- ▶ Authorized states run the RCRA program in their state and thus, will go through the state adoption & authorization process. States must adopt by July 2018

# Key Changes

- ▶ CESQGs shipping to LQGs
- ▶ Waste Determinations
- ▶ Episodic Generation
- ▶ Emergency Planning
- ▶ Increased Labeling
- ▶ SQG Re-Notification

# CESQGs shipping to LQGs

- ▶ CESQG's and LQG's must be under the control of the same person
- ▶ CESQG now called VSQG
- ▶ Eliminate RCRA permit requirement to accept VSQG's waste
- ▶ Additional option for VSQG's to manage their waste
- ▶ VSQG must mark and label containers with "Hazardous Waste" and hazards
- ▶ LQG required to notify EPA and maintain records of each shipment

# Waste Determination

- ▶ 2013 evaluation revealed high non-compliance rate (34% of waste determinations incorrect)
- ▶ CESQG facilities in Kansas (21% non-compliant)

## Clarifications

- ▶ Confirmed that waste determinations must be made at point of generation
- ▶ Better explanation on how generators can use generator knowledge and tests for waste determinations

## Proposed but not finalized

- ▶ Not requiring documentation of non-hazardous waste determinations

# Episodic Generation for VSQG's and SQG's

- ▶ Only allowed once a year
- ▶ Would not change current generator status
- ▶ Would not have to complete biennial requirement
- ▶ Notification of planned (30 days) and unplanned events (72 hours)
- ▶ Labeling requirement for accumulation of episodic waste (“Episodic Hazardous Waste”, Contents, Hazard, Date)
- ▶ 60 days from initiation and completion of episodic event (increased from 45 days in proposed rule)

# Emergency Planning and Preparedness

- ▶ Only applicable to LQG's and SQG's
- ▶ Require generators to document attempted arrangements with local LEPC's first
- ▶ Clearer language on what/where emergency equipment is required
- ▶ NEW LQG's to submit "executive summary" to LEPCs rather in addition to full Contingency plans (i.e. most critical information)



# Labeling Changes

- ▶ Applicable to SQG's, LQG's and Transporters
- ▶ Tanks and containers must be marked with the words "Hazardous Waste"
- ▶ Container labels must indicate the hazards of the contents of the containers (DOT, NFPA, "ignitable")
- ▶ Must mark containers with RCRA codes prior to shipment
- ▶ **Description of contents no longer required**

A yellow rectangular label with a red and black diagonal striped border. At the top, the text "HAZARDOUS WASTE" is written in bold red capital letters. Below this, the text "FEDERAL LAW PROHIBITS IMPROPER DISPOSAL." is written in black. Further down, the text "IF FOUND CONTACT THE NEAREST POLICE PUBLIC SAFETY AUTHORITY OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY." is written in black. The label contains several fields for generator information, including NAME, ADDRESS, CITY, STATE, ZIP, EPA ID NO., EPA WASTE NO., ACCUMULATION START DATE, and MANIFEST DOCUMENT NO. At the bottom, there is a large bracketed area for "D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX" and the text "HANDLE WITH CARE!" in bold red capital letters. The label is printed by Lab Safety Supply, Inc., Janesville, WI 53547, and has a Reorder No. 433.

# SQG Re-Notification

Currently SQGs only have to provide a one-time notification to EPA to obtain an ID #. EPA and most states have outdated and inaccurate databases of SQG universe information.

- ▶ New rule requires SQGs to re-notify every 4 years unless states have more frequent re-notification requirements
- ▶ Electronic reporting may be an option
- ▶ Compliance date is delayed until 2021 to give states time to update their reporting forms.

# 50 Foot Requirement Waiver

- ▶ Current regulations require a minimum of 50 feet distance from property line for ignitables and reactives.
- ▶ New rule would allow a generator to request a waiver from the local fire department to store these wastes within 50 feet of the property line under special conditions.



50 feet?

# Reporting and Recordkeeping

EPA is not finalizing the following reporting and recordkeeping provisions that were either proposed or took comment on. These include:

- ▶ Maintaining documentation of waste determinations until the facility closes
- ▶ Notifying the state or EPA of closure of a waste accumulation unit at a facility
- ▶ Requiring documentation of container weekly inspections

# Stringency of Proposed Rule

## **More stringent (States must adopt)**

- ▶ SQG re-notification
- ▶ Container labeling (Identifying Hazards)
- ▶ Notification of closure
- ▶ Executive summary for contingency plans

## **Less stringent (States not required to adopt)**

- ▶ VSQG consolidation
- ▶ Episodic generation
- ▶ Waiver from 50-foot rule

# What Now?

- ▶ EPA believes the new regulations will provide more flexibility and provide more clarity for generators
- ▶ Some industry groups have filed appeals (challenging “condition for exemption”)
- ▶ Rule will still become effective on May 30, 2017
- ▶ Generators should monitor their State’s adoption process

A full text of the Rule can be found here:

<https://www.federalregister.gov/documents/2016/11/28/2016-27429/hazardous-waste-generator-improvements-rule>

# Questions?

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