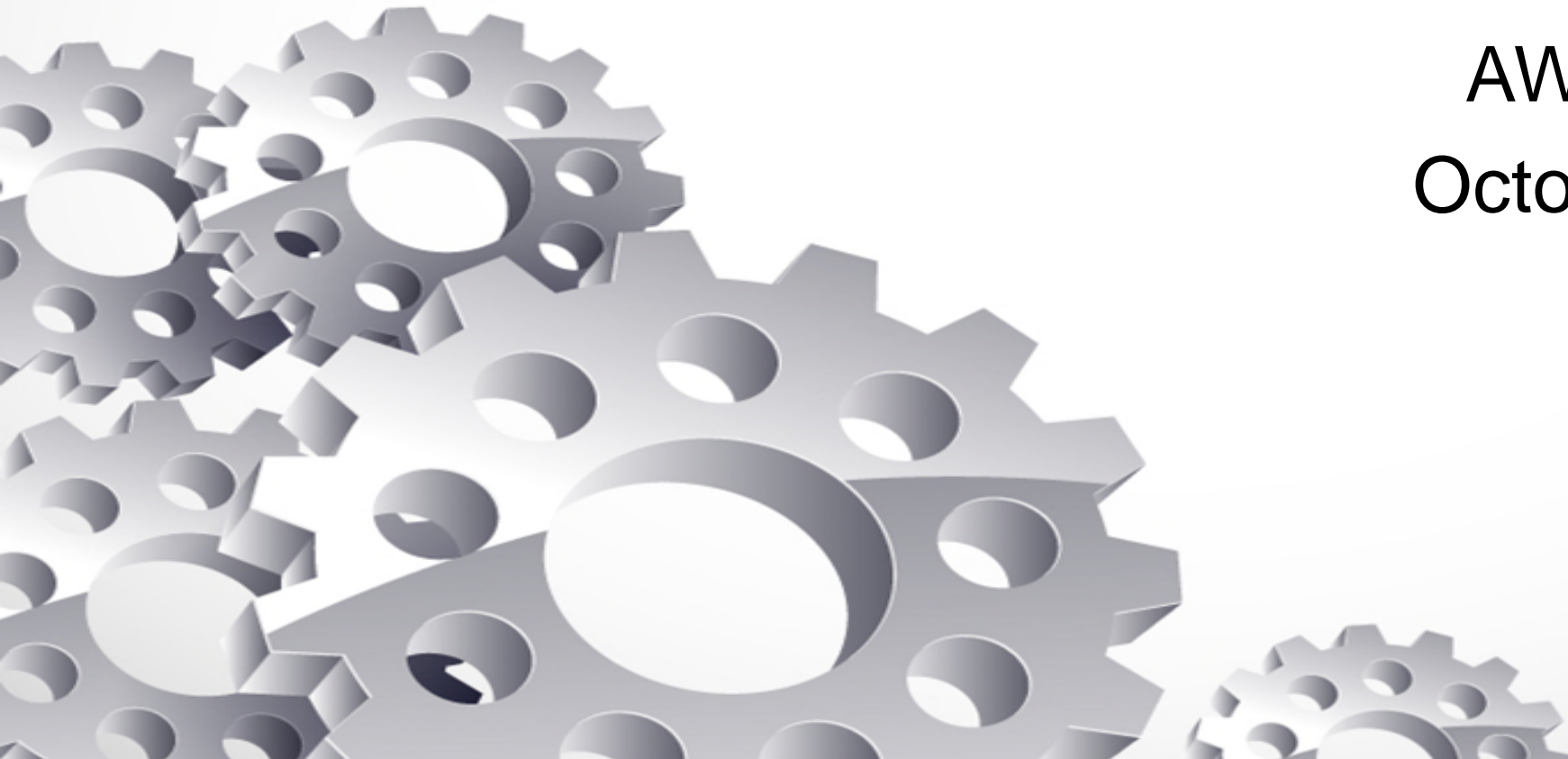


Hazardous waste generators requirements

AWMA Conference
October 25-26, 2023



Hazardous Generator Requirements



- Numerous so will primarily address Generator Improvement Rule changes
 - Episodic Events
 - Procedure for Hazardous Waste Determinations
 - Satellite Accumulation
 - Some exclusions from SW, and from HW
 - VSQG consolidation of waste at LQG

Hazardous waste generator requirements



- Alfred Hitchcock
- What does Alfred Hitchcock have to do with hazardous waste and hazardous waste generators

HW and Alfred Hitchcock

- Alfred Hitchcock - director
 - for mystery movies
 - crime movies
 - Horror movies



The **MacGuffin**



- Hitchcock explained The MacGuffin in 1939 - Lecture at Columbia University.
- **the MacGuffin** is a plot device used in films and books that sets the characters in motion and drives the story.
 - in Psycho the MacGuffin was money that was stolen from a bank. Then it became the person that stole the money from the bank.

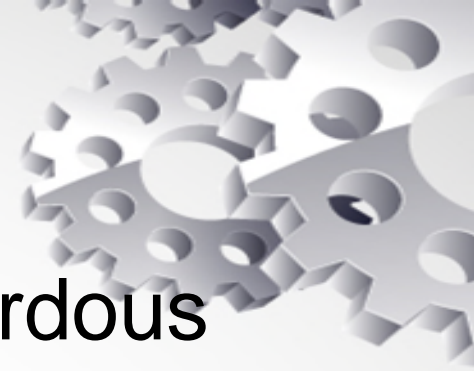
the HW MacGuffin

- **HW is like the MacGuffin** because it's the thing that everybody is concerned with - sets you in motion and drives the story!
 - the generator and you want to dispose **of it** properly
 - the regulator and you want to make sure **it's** disposed of properly and/or
 - the company who disposes **of it** and you want to handle it properly



Cradle to Grave

- RCRA uses the Cradle to Grave analogy for hazardous waste Management
- Like the MacGuffin of thriller movies, you do not want your HW to be resurrected from the grave of its final disposition. Make sure it is disposed properly!
- In rare cases it can be resurrected if disposal facility becomes mis-managed- then all persons or companies that sent waste to that facility are designated Potential Responsible Parties and will have to pay \$\$ for clean up.



Can think of HW like this



Or the MacGuffin of the environmental economy



Tips for All Generators of Waste

- Before I start talking about the new features in the HW GIR for
 - Very Small Quantity Generator (VSQG - formerly CESQG)
 - Small Quantity Generator (SQG) or
 - the Large Quantity Generator (LQG)



Reminders about ways to reduce waste generation and not have to register as a LQG from a VSQG or SQG

Exclusions from classification as a SW LAC 33:V:105.D.1



- a-z exclusions- some examples
 - a. domestic sewage
 - b. industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended;
 - i. spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose;
 - x, y and z. Hazardous secondary materials sent for reclamation
 - w. solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that:

Note :Prevention of Waste/aka Waste Minimization



- if generate a batch or pile of potential waste look through it and make sure there's nothing there that you can still use for its intended purpose without reclaiming it first:
 - a can of paint that's perfectly good and you're going to use- it comes out of the pile
 - some spray cleaners that are still half full and still good - they come out of the pile

Anything you will continue to use, and do not discard is not a waste therefore it can't be hazardous waste because it's not a solid waste at all

Typical Scenario

You see some areas that you need to clean out areas at your business/facility

- an old closet
 - under a sink
 - you fired somebody and you have to clean out their van
 - you're going to spiffy up a garage in one of your shops
- all this potential waste and junk and you realize there's some solvents here paint waste other things you don't even know if they are waste or HW



An old closet area full of stuff



Tank clean out/process upset



messy old sink chemicals at business



messy under-sink in another room?



old vehicle a lot of waste is it SW? HW?



Old garage area, before and after- HW? SW



New in HW GIR

VSQG & SQG Episodic HW Generation

FOR VSQGs - generate very small quantity of HW waste (less than 100 kg/month HW or 1 kg acute HW)

For SQGs (100 kg/month -1000 kg/month)

- you see all this stuff that you will clean and you discover that is a large amount of stuff that you're going to have to get rid of
- right away the first thing you should think of (even not knowing for sure you have HW)
- **Am I going to be over my generator status limit if I have to dispose of all this material as a HW**
- **if the answer is yes, you think EPISODIC EVENT**

In LAC 33:V.Chapter 1029.Sub chapter C. Alternative Standards for Episodic Generation



- New Feature from the Hazardous Waste Generator Improvement Rule (HW GIR) is the Episodic Generator section for unplanned or planned episodic events that allows a VSQG or SQG to NOT exceed their monthly HW weight limits thus not have to bump up their status to LQG.
- Planned Episodic Generation
- Unplanned Episodic Generation

Episodic event definitions (LAC 33:V:1031.A)

- **Episodic Event**—an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.
- **Planned Episodic Event**—an episodic event that the generator planned and prepared for, including: regular maintenance, tank clean-outs, short-term projects, and removal of excess chemical inventory.
- **Unplanned Episodic Event**—an episodic event that the generator did not plan or reasonably did not expect to occur, including production process upsets, product recalls, accidental spills, or acts of nature such as tornado, hurricane, or flood.

One episodic event per year

- The VSQG and the SQG are each **limited to one episodic event per calendar year**, unless a petition is granted under Section 1035 of this Sub chapter.
- **Generator's effort needed for episodic event approval** based more on whether it is a **First or Second event** (than whether it is planned or unplanned)
- The First Episodic Event, can be planned or unplanned
- The Second Episodic Event can be planned or unplanned, but **must petition for approval of second event prior to notification on HW-1**



If First Event is Planned Episodic Event

- **...shall notify** the Office of Environmental Services **no later than 30 calendar days prior** to initiating a planned episodic event **using the department's** Notification of Hazardous Waste Activity Form **(HW-1)**.



If first event is Unplanned Episodic event

- In the event of an unplanned episodic event, the generator shall **notify** the Office of Environmental Services **within 72 hours** of the unplanned event via phone, email, or fax and subsequently submit the department's Notification of Hazardous Waste Activity Form (HW-1).



First event an Un-Planned Episodic Event



- Notify within 72 hours that you have **an unplanned episodic event**
- important- even if you don't know if its HW- email, phone call, fax etc.
- If you do not notify within 72 hours, your will not qualify for the First Event - unplanned episodic event
- Complete and send in the Addendum to the Hazardous Waste Activity Form (HW-1, Addendum B Episodic Generator) With a cover letter briefly describe event.

Unplanned Episodic Event as defined on HW-1 form



- Unplanned Episodic Event - An episodic hazardous waste generation event for which the generator **did not plan or reasonably did not expect to occur**, including: production process upsets; product recalls; accidental spills; or “acts of nature” such as tornadoes, hurricanes, or floods (see LAC 33.V.1031.A). The event **cannot last more than 60 days**; the start date is the **first day the waste is generated, regardless of whether the generator has determined that the waste is hazardous**. The event concludes on the day the hazardous waste is removed from the generator’s site.

HW-1 Addendum B



ADDENDUM B

EPA ID No.

NOTIFICATION OF EPISODIC GENERATOR OF HAZARDOUS WASTE

ONLY FILL OUT THIS FORM IF:

You are a Small Quantity Generator (SQG) or Very Small Quantity Generator (VSQG) of hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves the generator to a higher generator category pursuant to LAC 33:V Chapter 10 Subchapter C (corresponds to 40 CFR 262 Subpart I).

NOTE: Only ONE episodic event may be reported per form; use a separate form for each episodic event.

NOTE: Only ONE planned and ONE unplanned episodic event are allowed within one year; otherwise, you MUST follow the requirements of the higher generator category.

Print Clearly or Type. *NOTE: Use additional pages if more space is needed.*

1. Identify Episodic Event <i>Select one</i>							
<input type="checkbox"/> 1 st Episodic Event							
<input type="checkbox"/> 2 nd Episodic Event <i>NOTE: MUST be pre-approved by the LDEQ. Attach copy of pre-approval to this form.</i>							
2. Describe Episodic Event							
<input type="checkbox"/> Planned	<input type="checkbox"/> Unplanned						
<input type="checkbox"/> Excess chemical inventory removal	<input type="checkbox"/> Accidental spills						
<input type="checkbox"/> Tank cleanouts	<input type="checkbox"/> Production process upsets						
<input type="checkbox"/> Short-term construction or demolition	<input type="checkbox"/> Product recalls						
<input type="checkbox"/> Equipment maintenance during plant shutdown	<input type="checkbox"/> "Acts of Nature" e.g. tornadoes, hurricanes, or floods						
<input type="checkbox"/> Other _____	<input type="checkbox"/> Other _____						
3. Episodic Event Dates <i>To determine Start Date, refer to definition of Planned Episodic Event or Unplanned Episodic Event (page 3)</i>							
Date Event Started _____ (mm/dd/yyyy)	Date Event Concluded _____ (mm/dd/yyyy)						
4. Emergency Contact Information							
First Name _____	MI _____ Last Name _____						
Phone (____) _____	Email _____						
Mailing address _____							
City _____	State _____ Zip _____						
5. Waste 1							
Waste Description _____	Estimated _____ lbs						
Federal Hazardous Waste Codes							
<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>							
6. Waste 2							
Waste Description _____	Estimated _____ lbs						
Federal Hazardous Waste Codes							
<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>							
7. Waste 3							
Waste Description _____	Estimated _____ lbs						
Federal Hazardous Waste Codes							
<table border="1"><tr><td> </td><td> </td><td> </td><td> </td><td> </td><td> </td></tr></table>							

First event planned or unplanned-
Once generated have 60 days to dispose of HW

- the **start date** is the **first day the waste is generated**, regardless of whether the generator has determined that the waste is hazardous.
- Complete Addendum B
- Send in to LDEQ address on Form
- may have info change-
 - if you find out there is no HW, or less than your monthly allowed quantity, can cancel the First Event (Planned or Unplanned Episodic event)
 - No set process for cancellation, will have to contact the staff at the address/phone # on HW-1



Second Episodic Event- planned or unplanned

- Before submittal of a HW-1 notification to the Office of Environmental Services for a second episodic event in a calendar year, the very small quantity generator shall obtain approval of the petition for a second episodic event as required by **Section 1035** of this Sub chapter.
- Think about the scenarios and most of them could be a first planned episodic event.

§ 1035. Petition to Manage One Additional Episodic Event per Calendar Year

- A generator may petition the administrative authority for a second episodic event in a calendar year without impacting its generator category under the following conditions.VSQG or SQG has already held:
 - **First event a planned episodic event** in calendar year, the generator may petition the administrative authority for an additional **unplanned episodic event** in that calendar year within 72 hours of the unplanned event; or
 - **First Event an unplanned episodic event** in a calendar year, the generator may petition the administrative authority for an additional planned episodic event in that calendar year.

Implications

- First event planned, then second event can be unplanned
- First event unplanned, second event **can only be planned.**
- If you already had an unplanned event, you will not be approved for a second unplanned event and will have to become an **LQG** **for that month.**
- Going from VSQG to SQG or LQG
 - Notify on HW-1 as SQG or LQG
 - Have contingency plan, waste analysis plan, preparedness and prevention, etc.
 - Will have to close central accumulation area (CAA) as LQG when facility closes.
 - Pay SQG/LQG annual fee for that year

Annual Fees for Generators (LQG and SQG)



- Large Quantity Generators (LQG) or Small Quantity Generators (SQG)- **\$634.00 per year**
- Generators Annual Fee. Fee will annually be **\$469.00**
- Prohibited Waste Fee. Annual prohibited waste fee is **\$165** for each generator who generates for land disposal as provided in LAC 33:V.Chapter 22.
- All HW is prohibited from land disposal until certain treatment occurs.

Very Small Quantity Generator fee-

- Very Small Quantity Generators (VSQG). Very small quantity generators (see LAC 33:V.1009) shall pay a fee of **\$83 per year** to the department.
- If episodic event feature is conducted properly, then the VSQG will not have to pay increased fee or bump up to next generator category fee (SQG/VSQG)



Again First Event/Second Event

- If you have a first planned event, your second event can be unplanned.
- If you have your first event unplanned, then your second event has to be planned, but if it is one of those events defined as “unplanned” you will not be able to meet the notification 30 days and the 72 hour notification. You will automatically have to up your status to SQG or LQG for that month.
- Better strategy might be to have first event planned, then second event can be unplanned.



Everyone must do Hazardous Waste Determinations



- HW Determination is the same for :
 - Determining your generator category
 - Identifying your waste codes
 - Proceeding with an unplanned episodic event

New in HW GIR LAC 33:V.1005.Hazardous Waste Determination and Record-keeping

Improvement in that it lists the exact steps for making a HW determination. Previously, the 'determination' was required but not spelled out.

5 Steps to a HW Determination

HW Determination



- A. A person who generates a solid waste, as defined in LAC 33:V.109, shall determine if that waste is a hazardous waste in order to ensure the wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the steps in Subsections B-G of this Section.

Made at POINT OF GENERATION

- B. The hazardous waste determination for each solid waste shall be made at the **point of waste generation**, before any dilution, mixing, or other alteration of the waste occurs, and 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.
- note **point of generation** also is the point at which **clock starts**- for Episodic event and all other HW generator requirements



Step 1: Waste Excluded?



- C. The generator shall determine if the waste is exempted or excluded from regulation under LAC 33:V.105.D.
 - You might need a regulatory interpretation but this does not change the start for your generator clock
 - Can call the HW Permits Section, Small Business Assistance Program (SBAP) , your HW inspector in the regional office
 - regulatory interpretations can take a lot of time, but your clock still moves forward

Exclusions from classification as a SW LAC 33:V:105.D.1



- a-z exclusions- some examples
 - a. domestic sewage
 - b. industrial wastewater discharges that are point source discharges subject to regulation under Section 402 of the Clean Water Act, as amended;
 - i. spent wood preserving solutions that have been reclaimed and are reused for their original intended purpose;
 - x, y and z. Hazardous secondary materials sent for reclamation
 - w. solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that:

Step 2: Waste Listed (F, K, P or U)?

- D. If the waste is not exempted or excluded under LAC 33:V.105.D, then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under LAC 33:V.Chapter 49. Acceptable knowledge that may be used in making an accurate determination as to whether the waste is listed may include waste origin, composition, process producing the waste, feedstock, and other reliable and relevant information.
 - F-listed
 - K-listed
 - P-listed
 - U-listed



Step 3: Waste characteristic?

- E. The person then shall also determine whether the waste exhibits one or more hazardous characteristics as identified in LAC 33:V.4903 by following the procedures in Paragraph E.1 or 2 of this Section, or a combination of both.

D001- ignitable- flash point less than 140° F

D002-Corrosive- liquid with a pH less than 2 or greater than 11

D003-Reactive - capable of detonation or reactivity

D004-D043 Toxic - exceeds Toxicity Characteristic Leaching Procedure (TCLP) limits in LAC 33:V.4903



Step 4. Look for other HW Exclusions or restrictions

- F. If the waste is determined to be hazardous, the generator shall refer to LAC 33:V. Subpart 1 for other possible exclusions or restrictions pertaining to management of the specific waste.
- Examples:



Universal Waste (LAC 33:V.Chapter 38)



- Universal Waste is hazardous waste that is sent to a Universal Waste collector or Universal waste designated facility
 - Fluorescent bulbs
 - Mercury thermometers and switches
 - Pesticides
 - Batteries
 - Used anti-freeze
 - When managed as Universal Waste-does not count toward monthly quantity
 - Electronics

Hazardous Waste Pharmaceuticals

- Reverse distribution or reverse logistics if you are a health care facility
- Louisiana has not yet adopted the regulation so this is not in effect in LA yet but just be aware that this option is forthcoming.
- When managed as HW Pharmaceuticals, usually will not count toward generator status.



Used Oil (LAC 33:V.Chapter 40)

- Used oil does not count to your monthly generation quantity if you send the used oil for reclamation to a used oil collection facility or other used oil facility.



Step 5. Keep the Records for the HW Determination

- G. Recordkeeping for Small Quantity Generators and Large Quantity Generators. A small or large quantity generator shall maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by LAC 33:V.109.

A word about Satellite Accumulation Areas



- For SQG and LQG
 - Note: VSQG not mentioned in satellite accumulation requirements
 - 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous
 - in containers at or near any point of generation where
 - waste initially accumulates
 - which is under the control of the operator of the process generating the waste,
 - without a permit or interim status

NEW !!! VSQG can send HW to related LQG



- Previously the problem was that a LQG could not accept any hazardous waste from off-site unless the LQG had a HW Permit.
- New: LAC 33:V.105.1009.A.5.h **A very small quantity generator** that accumulates hazardous waste in amounts less than or equal to the limits in Paragraphs A.3 and 4 of this Section shall either treat or dispose of its hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:
 - ...h. a large quantity generator under the control of the same person as the very small quantity generator, provided the following conditions are met:

Final Thoughts

- Hazardous Waste Management can be complicated.
- 3 new positive features in the HW GIR
 - Episodic Events
 - New simplified directions for HW determination
 - VSQG sending HW to related LQG
- Another new HW GIR feature/requirement is closure of Central Accumulation Areas for LQG's which is the next presentation



Easy to think of HW as the subject of much angst



But if careful and follow the rules,
your relationship with HW can be more beneficial



Any Questions?