History of the Rule

- Most of the generator rules were promulgated in the 1980s and are over thirty years old.

- Rule was proposed in September 2015 and presented more than 60 proposed changes to the generator regulations, plus technical corrections, for public comment.

- Final Rule was published in November 2016.

- Made significant changes to the hazardous waste generator regulations. One of the primary objectives of the rule is to consolidate most of the generator requirements into Part 262 to reduce the cross-references to Parts 261 and 265.
## Generator Universe

<table>
<thead>
<tr>
<th>Generator Category</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>VSQGs (CESQGs)</td>
<td>353,400–591,800</td>
<td>46,000–148,000</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>SQGs</td>
<td>49,900–64,300</td>
<td>66,000–141,000</td>
<td>&lt;1%</td>
</tr>
<tr>
<td>LQGs</td>
<td>20,800</td>
<td>35.2 million</td>
<td>99%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>424,100–676,900</strong></td>
<td><strong>35.3–35.4 million</strong></td>
<td><strong>100%</strong></td>
</tr>
</tbody>
</table>

* Numbers of VSQGs and SQGs are estimates based on Biennial Report (BR) and limited state data. LQG number is derived from 2013 BR.
Reorganization of Generator Regulations

<table>
<thead>
<tr>
<th>Provision</th>
<th>Existing Citation</th>
<th>New Citation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Generator Category Determination</td>
<td>§ 261.5(c)–(e)</td>
<td>§ 262.13</td>
</tr>
<tr>
<td>VSQG Provisions</td>
<td>§ 261.5(a), (b), (f)–(g)</td>
<td>§ 262.14</td>
</tr>
<tr>
<td>Satellite Accumulation Area Provisions</td>
<td>§ 262.34(c)</td>
<td>§ 262.15</td>
</tr>
<tr>
<td>SQG Provisions</td>
<td>§ 262.34(d)–(f)</td>
<td>§ 262.16</td>
</tr>
<tr>
<td>LQG Provisions</td>
<td>§ 262.34(a), (b), (g)–(i), (m)</td>
<td>§ 262.17</td>
</tr>
</tbody>
</table>

As part of this reorganization, the Agency made conforming changes to citations that reference § 261.5 and § 262.34
Independent Requirements for All Generators

- Conditions for Exemption vs Independent Requirements
- Hazardous Waste Determinations
- Counting and HW Generator Categories
- Mixing
- Marking and Labeling
Conditions for Exemption vs Independent Requirements

• The rule separates and clarifies the conditions for an exemption from the independent requirements.

• Conditions for Exemption – These are regulatory requirements primarily associated with satellite and 90/180/270–day accumulation areas that must be met for the generator to be exempt from the requirement to obtain a storage permit. Examples include container and tank standards, personnel training, and preparedness and prevention. The conditions for exemption are codified in new 262.14-17.

• Independent Requirements – These are regulatory requirements that are applicable and enforceable and that are not legally tied to the accumulation of hazardous waste. They are “independent” of the conditions for exemption from regulation as a storage facility. Examples include generator determination category (VSQG, SQG, LQG), recordkeeping, and using a manifest to ship hazardous waste. The independent requirements are codified in new 262.10(a)(1).
Hazardous Waste Determinations

- Clarifies and emphasizes that waste determinations **must be accurate**!
- From different Agency analyses, generators consistently fail to make an accurate hazardous waste determination, leading to the mismanagement of hazardous waste
  - Non-compliance rates range from 10 to 30 percent
  - Reasons vary from not understanding RCRA to not even being aware of RCRA
  - Making an accurate hazardous waste determination reduces the domino effect
  - Hazardous waste most likely will be managed safely from “cradle to grave”
Making a Hazardous Waste Determination

• § 262.11(a) 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,
  • 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.
A small or large quantity generator must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste, as defined by 40 CFR 261.3.

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;
- records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests;
- records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and
- records which explain the knowledge basis for the generator’s determination, as described at 40 CFR 262.11(d)(1).
Determining Generator Category and Hazardous Waste Counting (§ 262.13)

- A hazardous waste generator has always had to know what category of generator it is (VSQG, SQG, or LQG).
- The regulations did not previously present requirements about determining generator categories in a clear and succinct way.
- New § 262.13 clarifies the process for a generator to determine its generator category each calendar month for generators of acute hazardous waste, generators of non-acute hazardous waste, and generators that mix acute and non-acute hazardous wastes.
- This provision also discusses how mixing of hazardous waste with non-hazardous waste impacts generator category.
- *Acute hazardous waste* means hazardous wastes that meet the listing criteria in §261.11(a)(2) and therefore are either listed in §261.31 of this chapter with the assigned hazard code of (H) or are listed in §261.33(e) of this chapter.
- *Non-acute hazardous waste* means all hazardous wastes that are not acute hazardous waste, as defined in this section.
Generating Acute and Non-Acute Hazardous Waste in the Same Month

- Before the final generator rule, EPA had issued contradictory guidance documents on whether a generator could be one category of generator for acute waste and another for non-acute waste in the same month.
- The Generator final rule provisions make it clear that acute hazardous waste, non-acute hazardous waste, and residues of clean ups of hazardous waste are all considered in making a generator's monthly category determination.
## Hazardous Waste Counting

### TABLE 1 to § 262.13—Generator Categories Based on Quantity of Waste Generated in a Calendar Month

<table>
<thead>
<tr>
<th>Quantity of acute hazardous waste generated in a calendar month</th>
<th>Quantity of non-acute hazardous waste generated in a calendar month</th>
<th>Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month</th>
<th>Generator Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 1 kg</td>
<td>Any amount</td>
<td>Any amount</td>
<td>Large generator</td>
</tr>
<tr>
<td>Any amount</td>
<td>≥ 1,000 kg</td>
<td>Any amount</td>
<td>Large generator</td>
</tr>
<tr>
<td>Any amount</td>
<td>Any amount</td>
<td>&gt; 100 kg</td>
<td>Large generator</td>
</tr>
<tr>
<td>≤ 1 kg</td>
<td>&gt; 100 kg and &lt; 1,000 kg</td>
<td>≤ 100 kg</td>
<td>Small generator</td>
</tr>
<tr>
<td>≤ 1 kg</td>
<td>≤ 100 kg</td>
<td>≤ 100 kg</td>
<td>Very small generator</td>
</tr>
</tbody>
</table>
VSQGs Mixing Solid Waste with Hazardous Waste

• Clarifies that a VSQG mixing hazardous waste with solid waste can remain subject to VSQG requirements (i.e., § 262.14), even though the mixture may exceed the VSQG quantity limits (either 100 kg per month generated or 1,000 kg accumulated on site at any one time) as long as the mixture does not exhibits one or more of the characteristics of a hazardous waste.

• If the resultant mixture does exhibit a hazardous waste characteristic, the mixture is a newly generated hazardous waste.

• The VSQG must add the quantity from the resulting mixture with any other regulated hazardous waste generated in the calendar month and determine whether the total quantity generated exceeds the generator calendar month quantity identified in the definition of generator categories found in 40 CFR 260.10.
Marking and Labeling
Final Rule: What changed?

- Containers and tanks labels must have the words “Hazardous Waste” and also indicate the hazards of the contents of the accumulation units.
- For containment buildings, the generator must have a sign in a conspicuous place with the words, “Hazardous Waste” and the hazards of the waste.
- Added the hazards to improve risk communication for workers, waste handlers, emergency responders, and visitors.
- Flexibility in how to comply with this new provision; can indicate the hazards of the contents of the accumulation unit using any of several established methods (e.g., DOT hazard communication, OSHA hazard statement or pictogram, NFPA chemical hazard label, or RCRA characteristic).
Examples of Labels that indicate the “Hazards”

- The applicable hazardous waste characteristic (i.e., ignitable, corrosive, reactive, toxic)
Examples of Labels that indicate the “Hazards”

- Hazard communication consistent with DOT (49 CFR part 172 subpart E – labeling or subpart F – placarding)
Examples of Labels that indicate the “Hazards”

- Hazard statement or pictogram consistent with OSHA (29 CFR 1910.1200)
Examples of Labels that indicate the “Hazards”

- Chemical hazard label consistent with the National Fire Protection Association code 704
Marking and Labeling

- Per §262.32, Generators must add the RCRA waste codes before shipping waste off-site
- This allows receiving TSDFs to know how to treat the wastes to meet land disposal restriction requirements
- Generators must mark their containers with the applicable RCRA waste codes or use a bar-coding system that performs the same function

Description of hazards of waste: Corrosive
Episodic Generation

• Previous RCRA rules lacked flexibility to address an “episodic” change in a generator’s regulatory category:
  • Planned event (i.e., periodic maintenance such as tank cleanouts)
  • Unplanned event (i.e., production upset conditions, spill, acts of nature)

• Generators had to comply with a more comprehensive set of regulations for short period of time when they were not regular generators of higher levels of hazardous waste.
Episodic Generation

- Applicable to VSQGs and SQGs.

- New part 262 subpart L allows generators that temporarily change their generator category as a result of an episodic event to operate under streamlined regulations.

- All hazardous waste from episodic events must be shipped by hazardous waste transporter with a hazardous waste manifest to a RCRA-designated facility (TSDF or recycler).
Events Per Year

- One episodic event per year + one opportunity to petition EPA/authorized state for a second event
- A generator can complete multiple projects during the 60-day time limit for the episodic event
- Petition process allows a total of 1 unplanned and 1 planned event per year
  - For example:
    - A generator conducts a clean out in the spring and then has an unexpected recall in October
    - A generator plans a small episodic project for the fall but a hurricane causes facility damage in July
Episodic Generation

Duration of an Episodic Event

- The first day of an episodic event is the first day of generation of waste for the event—for an unplanned event, this is the first day of the storm, spill, or other unexpected event
- An episodic event can last 60 days
- All hazardous waste must be shipped off site by the end of 60 days or that waste counts toward the generator's category and must be managed under the regulations for that category of generator
- Time frame should allow waste from unplanned events to be characterized and allow arrangements for disposal to be made
Episodic Generation

Notification

• Both VSQGs and SQGs must notify about episodic events using Site ID form (EPA form 8700-12)
• Planned event: notify 30 or more days prior to the episodic event on Site ID form
• Unplanned event: notify within 72 hours of the event by phone or email and follow up with Site ID form

Notification elements

• A VSQG must get an EPA ID number (automatic upon submitting the Site ID form)
• Start and end dates of the episodic event (no more than 60 calendar days)
• Reason for the event
• Types of hazardous waste
• Estimated quantities of hazardous waste
• Emergency coordinator contact information
Episodic Generation

Hazardous Waste Accumulation Standards

VSQGs

- Marking and labeling:
  - "Episodic hazardous waste;"
  - An indication of the hazards of the contents; and the date the episodic event began
    - For tanks, inventory logs or other records are appropriate, but must be accessible

- Manage the hazardous waste in a manner that minimizes the possibility of an accident or release
  - Containers should be in good condition, chemically compatible with contents, and kept closed
    - Part 265 subpart I would satisfy this condition
  - Tanks must have procedures in place to prevent overflow (e.g., a means to stop inflow such as a waste feed cutoff system or bypass system to a standby tank when hazardous waste is continuously fed into the tank). Tanks must be inspected at least once each operating day.
  - Treatment is not allowed by VSQGs (except in an on-site elementary neutralization unit).
Episodic Generation

Hazardous Waste Accumulation Standards

SQGs

• Marking and labeling:
  • "Episodic Hazardous Waste;"
  • An indication of the hazards of the contents and the date the episodic event began
    • For tanks, inventory logs or other records are appropriate, but must be accessible
  • All conditions of 262.16 (e.g., container and tank standards, employee training, emergency preparedness and prevention)
Episodic Generation

Recordkeeping

• Cradle to grave management of hazardous waste is required
• Records must be maintained for 3 years from the completion of each event

Elements

• Beginning and end date of the episodic event
• A description of the episodic event
• Types of hazardous wastes generated
• Quantities of hazardous wastes generated
• How the hazardous waste was ultimately managed and the name of the RCRA-designated facility or facilities that received the hazardous waste
• Name of the hazardous waste transporter(s)
• Approval letter from EPA if a petition was submitted and approved for a second event
• Copies of the notification form and the hazardous waste manifest cover most of the elements.
Episodic Generation

Petition for a Second Event

Petition requirements

- Made in writing
- Include reason for the event; nature of the event; estimated amount of hazardous waste to be managed; how the waste will be managed; estimated length of the episodic event; and information about the previous event in the calendar year

Planned event

- Petition submitted to EPA/authorized state 30 or more days prior to the event
- Generator may not manage hazardous waste from a planned second episodic event under subpart L until approval is received on its petition

Unplanned event

- EPA/authorized state must be notified within 72 hours by phone or email, followed by submittal of 8700-12 and an indication that this is a petition for a second event
- Generators can manage hazardous waste from an unplanned second episodic event under subpart L while waiting for approval of its petition
- If a petition is denied, generator must start managing hazardous waste under the conditions for the applicable generator category.
13. Episodic Generation

Are you an SQG or VSQG generating hazardous waste from a planned or unplanned episodic event, lasting no more than 60 days, that moves you to a higher generator category. If "Yes", you must fill out the Addendum for Episodic Generator.

Check “Y” if VSQG or SQG holding an episodic event
### ADDENDUM TO THE SITE IDENTIFICATION FORM:
#### EPISODIC GENERATOR

<table>
<thead>
<tr>
<th>Episodic Event</th>
<th>Check type of event being held</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Planned</td>
<td></td>
</tr>
<tr>
<td><em>Excess chemical inventory</em></td>
<td></td>
</tr>
<tr>
<td>□ Tank cleanouts</td>
<td></td>
</tr>
<tr>
<td>□ Short-term construction or demolition</td>
<td></td>
</tr>
<tr>
<td>□ Equipment maintenance during plant shutdowns</td>
<td></td>
</tr>
<tr>
<td>□ Other</td>
<td></td>
</tr>
<tr>
<td>2. Unplanned</td>
<td></td>
</tr>
<tr>
<td>□ Accidental spills</td>
<td></td>
</tr>
<tr>
<td>□ Production process upsets</td>
<td></td>
</tr>
<tr>
<td>□ Product recalls</td>
<td></td>
</tr>
<tr>
<td>□ “Acts of nature” (Tornado, hurricane, flood, etc.)</td>
<td></td>
</tr>
<tr>
<td>□ Other</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Emergency Contact Phone</th>
<th>4. Emergency Contact Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>(202) 555-5555</td>
<td>Jane Smith</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Beginning Date</th>
<th>6. End Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/15/17 (mm/dd/yyyy)</td>
<td>9/01/17 (mm/dd/yyyy)</td>
</tr>
</tbody>
</table>

### Waste 1

<table>
<thead>
<tr>
<th>7. Waste Description</th>
<th>8. Estimated Quantity (in pounds)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Removing old chemicals from a laboratory</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>9. Federal and/or State Hazardous Waste Codes</th>
<th>Insert relevant waste codes</th>
</tr>
</thead>
<tbody>
<tr>
<td>D001</td>
<td>D008</td>
</tr>
</tbody>
</table>
VSQG Waste Consolidation at LQGs
VSQG Waste Consolidation at LQGs

Issue that the New Consolidation Provision Addresses

• Some companies would like to be able to consolidate wastes from their own VSQG sites for more efficient shipping and hazardous waste management
  
  • Reduces liability for company as a whole by ensuring proper management of hazardous waste
  
  • Sending to a RCRA-designated facility is the most environmentally sound option
  
  • Previously, an LQG needed a RCRA permit to receive VSQG wastes
VSQG Waste Consolidation at LQGs

New Consolidation Provision

- Consolidate waste at an LQG under the control of the same person:
  - Person – as defined under RCRA in § 260.10 - means an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or any interstate body
  - Control – means the power to direct policies at the facility

- VSQG standards
  - Marks and labels waste containers with “Hazardous Waste” and the hazards

- No hazardous waste manifest is required and hazardous waste transporters do not have to be used
VSQG Waste Consolidation at LQGs

LQG standards

- Notifies state on Site ID Form that it is participating in this activity and identifies which VSQGs are participating
- Recordkeeping for each shipment – normal business records
- Adds accumulation start date to VSQG HW labels when arrives at LQG
- Manages consolidated waste as LQG hazardous waste including ensuring final treatment or disposal is at a RCRA-designated facility (TSDF or recycler)
- Reports in Biennial Report – there will be a different source code (G51) for the VSQG consolidated waste to distinguish from the LQG’s own generated waste

- EPA did not extend this provision to allow SQGs to consolidate VSQG HW due to more complicated implementation issues but an SQG can participate if they notify and act as an LQG (meeting all LQG standards including getting the VSQG HW off-site in 90 days)
LQG Notification for Consolidation of VSQG waste

14. LQG Consolidation of VSQG Hazardous Waste

Check “Y” if LQG consolidating VSQG waste

Are you an LQG notifying of consolidating VSQG Hazardous Waste Under the Control of the Same Person pursuant to 40 CFR 262.17(f)? If “Yes”, you must fill out the Addendum for LQG Consolidation of VSQGs hazardous waste.
LQG Notification for Consolidation of VSQG waste

ADDENDUM TO THE SITE IDENTIFICATION FORM:
LQG CONSOLIDATION OF VSQG HAZARDOUS WASTE

**ONLY fill out this form if:**
- You are an LQG receiving hazardous waste from VSQGs under the control of the same person. Use additional pages if more space is needed.

<table>
<thead>
<tr>
<th>VSQG 1</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. EPA ID Number (if assigned)</td>
<td>123456</td>
</tr>
<tr>
<td>2. Name</td>
<td>Facility X</td>
</tr>
<tr>
<td>3. Street Address</td>
<td>123 Main St.</td>
</tr>
<tr>
<td>4. City, Town, or Village</td>
<td>Nowheresville</td>
</tr>
<tr>
<td>5. State</td>
<td>Someplace</td>
</tr>
<tr>
<td>6. Zip Code</td>
<td>11111</td>
</tr>
<tr>
<td>7. Contact Phone Number</td>
<td>555-555-5555</td>
</tr>
<tr>
<td>8. Contact Name</td>
<td>Mr. Jones</td>
</tr>
<tr>
<td>9. Email</td>
<td><a href="mailto:Jones.Mr@facilityx.com">Jones.Mr@facilityx.com</a></td>
</tr>
</tbody>
</table>
Changes to SQG and LQG Standards

- Satellite Accumulation Areas
- Waiver to 50-Ft Requirement
- Waste Accumulation in Drip Pads and Containment Buildings
- Personnel Training for LQGs
- Emergency Preparedness and Planning
- Closure
Revisions to SAA Standards

- SAA standards are now found in their own part of the generator regulations - §262.15

- Changes include:
  - Explicitly state that hazardous wastes not be mixed or placed in a container with other hazardous wastes that are incompatible – applying the same storage standard for SAAs as Central Accumulation Areas (CAAs) in regard to incompatible wastes
  - Allow containers to remain open temporarily under limited circumstances, when necessary for safe operations
  - Provides maximum weight (1 kg) in addition to volume (1 quart) for acute hazardous waste limit
    - 1 quart of liquid acute hazardous waste or 1 kg of physically solid acute waste.
    - Where a generator has both liquid and solid acute hazardous waste, the 1-kg (2.2 lb) limit will apply.
Revisions to SAA Standards (continued)

- Clarifies that “three days” means three consecutive calendar days for when waste must be moved to CAA or permitted TSDF

- Rescinds memo allowing reactive hazardous waste to be stored away from the point of generation
  - If waste is so dangerous it needs to be stored separately, then it needs to go directly to the CAA

- Makes marking and labeling regulations consistent with central accumulation areas
  - Labeled with the words “Hazardous Waste” and the hazards
“Under the Control of the Operator” means:

• The operator is someone familiar with the operations generating the HW
• Is aware of and able to attend to these operations, if needed
• Provides some measure of controlled access

Some examples of demonstrating the SAA is under the control of an operator:

• The operator controls access to SAA by access card, key, or lock box
• The operator accumulates waste in a locked cabinet and controls access to the key (even if access to the room is not controlled)
• The operator is regularly in view of the SAA during the course of their job
• The operator is able to see if anyone enters or exits the SAA
Waiver to 50-Foot Requirement for Ignitable and Reactive Wastes

What changed?
• Final rule allows LQGs to apply for a site-specific waiver from this requirement from the authority having jurisdiction (AHJ) over the fire code (e.g., fire marshal or fire department) if the AHJ believes that the precautions taken by the facility make the waiver appropriate and safe (§262.17(a)(1)(vi)). The AHJ will help the LQG determine a safe and practical location. The LQG is then required to keep the written approved waiver in their records.

Why the change?
• The generator regulations previously required that containers holding ignitable or reactive waste be located at least 15 m (50 feet) from the facility’s property line, with no exceptions. Meeting this requirement could be impossible, especially in urban areas where properties are sometimes less than 100 feet wide.
Personnel Training for LQGs

• Maintains existing regulatory framework/standards, but explicitly allows the use of computer-based tools:
  • “Facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part.” (§ 262.17(a)(7)(i)(A))
Generator Rule made a wide variety of revisions to the emergency planning and preparedness standards.

- SQG regulations—§§262.16(b)(8) & (9)
- LQG regulations—§ 262.17(a)(6) refers generators to part 262 subpart M
Emergency Preparedness and Planning

Contingency Plan Quick Reference Guide

• The Quick Reference Guide is a new part of an LQG’s contingency plan designed to provide easy access for emergency responders to the most critical information for an immediate response to an event

• New LQGs submitting contingency plans must also include a Quick Reference Guide

• Existing LQGs to include a Quick Reference Guide when they otherwise update and submit their contingency plan (§ 262.262)
Emergency Preparedness and Planning

Contingency Plan Quick Reference Guide

• Contents of the Quick Reference Guide (eight elements)
  • Types/names of hazardous waste and associated hazards
  • Estimated maximum amounts of hazardous wastes
  • Hazardous wastes requiring unique/special treatment
  • Map showing where hazardous wastes are generated, accumulated or treated at the facility
  • Map of facility and surroundings to identify routes of access and evacuation
  • Location of water supply
  • Identification of on-site notification systems
  • Name of emergency coordinator(s) or listed staffed position(s) and 7/24-hour emergency telephone number(s)
Emergency Preparedness and Planning

- LQGs can eliminate unnecessary employee personal information in the contingency plan (§ 262.261(d))
  - Replacing addresses and phone numbers of employees with an emergency telephone number and, where applicable, a position title, as long as the number is staffed at all times

- Large facilities with internal response capabilities may seek a waiver from entering into arrangements with local authorities (§ 262.16(b)(8)(vi)(C)/ § 262.256(c)
Closure Notification

- Requires LQGs to notify the Agency when closing a CAA or facility via Site ID form
  - 30 days prior to closing facility and
  - 90 days after closing facility to certify that they met closure performance standards
  - Extension requests must be submitted within 75 days after closing

- Provides option of LQG closing waste accumulation unit to:
  - Place a notice in operating record within 30 days after closing waste accumulation unit and address closure when facility closes (notice can be removed from the operating record if unit is going back into service), OR
  - Notify EPA or state they have met closure performance standards for their waste accumulation units
    - 90 days after closure via Site ID form 8700-12 (§ 262.17(a)(8))
Closure Standards

• Consolidates performance standards found in § 265.111 and §265.114 into LQG section (§262.17(a)(8)) and clarifies that these units are subject to clean closure standards
• LQGs for containers, tanks, and containment buildings must:
  1. Minimize and control post-closure care releases of hazardous waste and constituents to the environment
  2. Remove or decontaminate all contaminated structures, equipment, and soils
  3. Manage any hazardous waste generated in the process of performing closure according to Subtitle C
  4. If the LQG cannot clean close, then they must close as a landfill and meet the requirements of Subparts G and H of 40 CFR 265
• Note: LQG drip pad operators are subject to 1 and 3 above and 265 Subpart W in lieu of 40 CFR 265 Subparts G and H
**LQG Notification of Closure**

### 15. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) OR Entire Facility (required)

<table>
<thead>
<tr>
<th>Y</th>
<th>N</th>
<th>LQG Site Closure of a Central Accumulation Area (CAA) or Entire Facility.</th>
</tr>
</thead>
<tbody>
<tr>
<td>✔️</td>
<td></td>
<td>A. [ ] Central Accumulation Area (CAA) [ ] Entire Facility</td>
</tr>
</tbody>
</table>

**If “yes,” select appropriate option for A.**

- **B. Expected closure date:** 07/04/2017
- **C. Requesting new closure date:** __________ mm/dd/yyyy
- **D. Date closed:** __________ mm/dd/yyyy
- 1. In compliance with the closure performance standards 40 CFR 262.17(a)(8)
- 2. Not in compliance with the closure performance standards 40 CFR 262.17(a)(8)

**For B, C, and D, only fill out ONE depending on your closure stage.**
New Reporting Requirements

SQG Re-notification

• § 262.18(d) Re-notification.
  • (1) A small quantity generator must re-notify EPA starting in 2021 and every four years thereafter using EPA Form 8700–12. This re-notification must be submitted by September 1st of each year in which re-notifications are required.

• Previously, SQGs were only required to notify once – when obtaining a RCRA Identification number.

• EPA and many states have outdated information since SQGs may have gone out of business, changed regulatory category, etc.
  • Many notifications occurred over 30 years ago
1. Reason for Submittal (Select only one.)

- Obtaining or updating an EPA ID number for an on-going regulated activity that will continue for a period of time. (Includes HSM activity)

- Submitting as a component of the Hazardous Waste Report for ___________ (Reporting Year)

- Site was a TSD facility and/or generator of > 1,000 kg of hazardous waste, > 1 kg of acute hazardous waste, or > 100 kg of acute hazardous waste spill cleanup in one or more months of the reporting year (or State equivalent LQG regulations)

- Notifying that regulated activity is no longer occurring at this Site

- Obtaining or updating an EPA ID number for conducting Electronic Manifest Broker activities

- Submitting a new or revised Part A Form
Where the HW Generator Improvements Rule is in Effect

Rule published in Federal Register—November 28, 2016 (81 FR 85732)
Effective Date – 6 months from publication—May 30, 2017
Rule went into effect in Iowa, Alaska, most territories, and tribal lands on the effective date
EPA runs the RCRA program in those states, most territories, and tribal lands
State Adoption

- Authorized states run the RCRA program in their state and thus, will go through the state adoption & authorization process for this new RCRA rule
  - Authorized states will have to pick up the more stringent provisions, typically by July 1, 2018 (or July 1, 2019 if state law change is needed)
  - Authorized states can choose to pick up the less stringent provisions and those provisions that are considered equally stringent

- Less stringent provisions:
  - VSQG consolidation
  - Episodic generation
  - Waiver from 50-foot rule
EPA resources

- Main generator website: https://www.epa.gov/hwgenerators
- Generator Improvements Rule website: https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements
- Link to the map of states that have adopted the new rule: https://www.epa.gov/hwgenerators/where-hazardous-waste-generator-improvements-rule-effect
- You can find the HWGIR FAQs at https://www.epa.gov/hwgenerators/frequent-questions-about-implementing-hazardous-waste-generator-improvements-final-rule
REGULATORS

MOUNT UP