

Hazardous Waste Generator Improvement Rule

Introduction

Blake Vincent – Sr. Project Manager

- ▶ C-K Associates, LLC
- ▶ blake.vincent@c-ka.com
- ▶ (337) 304-2805

History of the Rule

- ▶ Louisiana was authorized by the U.S. Environmental Protection Agency (EPA) to administer the HW program under Subtitle C of the Resource Conservation and Recovery Act (RCRA) in the mid 1980's
- ▶ Most of the hazardous waste generator regulations were promulgated in the 1980's and are over 30 years old
- ▶ One requirement for retaining authorization is to maintain state HW regulations so that they are equivalent to or more stringent than corresponding federal regulations
- ▶ This includes adoption of the Generator Improvement Rule (GIR) originally published by EPA on November 28, 2016
- ▶ The rule was adopted by the Louisiana Department of Environmental Quality and became effective in Louisiana on July 20, 2020

History of the Rule, continued

- ▶ 233 pages of regulatory changes adopted on July 20, 2020 affecting VSQG (very small quantity generators), SQG (small quantity generators), LQG (large quantity generators) and disposal facilities for Hazardous Waste.
- ▶ The regulations can be located at LAC 33:V.Subpart 1. Department of Environmental Quality – Hazardous Waste.
- ▶ The majority of the changes affected by the GIR are located in Chapter 10

Hazardous Waste Generator Classifications

- ▶ Very Small Quantity Generator (VSQG) < 100 kg/month (<220 lbs./month) (previously referred to as Conditionally Exempt Small Quantity Generators (CESQG))
- ▶ Small Quantity Generator (SQG) >100 kg but < 1000 kg/month (>200 lbs./month but < 2200 lbs./month)
- ▶ Large Quantity Generator (LQG) >1000 kg/month (>2200 lbs./month)
 - ❖ (Amounts different for acute hazardous waste)

It is critical to maintain monthly logs to determine how much hazardous waste is generated, in order to correctly classify your generator status.

Primary Objective of the Rule

- ▶ Make the HW generator regulatory requirements more user-friendly for the regulated community and regulatory agency.
- ▶ Reorganized by consolidating and minimizing cross references within the regulations. (Example is the VSQG requirements moved from Chapter 1 to Chapter 10 of the regulations).
- ▶ LDEQ adopted the majority of the EPA requirements for the GIR at LAC 33:V. Chapter 10.

Key Provisions

- ▶ **Quick Reference Guide** (QRG) required to be included as part of the Hazardous Waste Contingency Plan.
- ▶ **CESQG** regulations moved from LAC 33:V.108 to LAC 33.V.1003 A.1.a and renamed VSQG only for the purpose of making it consistent with the concept of quantity limitations for SQG and LQG.
- ▶ **Chapter 10** populated to address hazardous waste generator regulation, other than manifesting. Manifesting requirements remain in Chapter 11.
- ▶ **Episodic generator requirements** allow hazardous waste generators to avoid increased burden of a higher generator status when generating episodic waste provided the episodic waste is properly managed.
- ▶ **Waste determination** must be made at the point of waste generation prior to any on-site treatment.

Key Provisions, continued

- ▶ **Closure Requirements for large quantity generators** require defined closure procedures for container storage areas at large quantity generator locations. Preapproval of closure procedures are not required by but recommended by the LDEQ.
- ▶ **Waste consolidation** by allowing a VSQG to send hazardous waste to an off-site LQG under control of the same owner/operator.
- ▶ **Renotification Requirement** for SQG every 4 years starting in 2021 and LQG in every even numbered year by Match 1st.
- ▶ **Labeling** requires the words “Hazardous Waste”, “Episodic Hazardous Waste”, plus the identification of the hazards, dating and waste codes for the contents.

Old Label

HAZARDOUS WASTE

FEDERAL LAW PROHIBITS IMPROPER DISPOSAL.
IF FOUND, CONTACT THE NEAREST POLICE OR PUBLIC SAFETY AUTHORITY OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY.

GENERATOR INFORMATION:

NAME Generic College
ADDRESS 123 College Street PHONE (800)123-4567
CITY College Town STATE CT ZIP 06032

MANIFEST TRACKING NO. 123456789ABC ACCUMULATION START DATE 12/10/2007

EPA ID NO. CTD000123456 EPA WASTE NO. D002

Waste Corrosive Liquids, N.O.S., 8, UN 1760, III (Sulfuric Acid, Hydrochloric Acid)

D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX

HANDLE WITH CARE!

STYLE WMB

LABELMASTER® (800) 621-5808 www.labelmaster.com

New Label

**HAZARDOUS
WASTE**

STATE AND FEDERAL LAW PROHIBITS IMPROPER DISPOSAL

IF FOUND, CONTACT THE NEAREST POLICE, OR PUBLIC SAFETY
AUTHORITY, OR THE U.S. ENVIRONMENTAL PROTECTION AGENCY OR
THE CALIFORNIA DEPARTMENT OF TOXIC SUBSTANCES CONTROL.

GENERATOR INFORMATION:

NAME _____
ADDRESS _____ PHONE _____
CITY _____ STATE _____ ZIP _____

EPA IDENTIFICATION NO. / MANIFEST TRACKING NO. _____ / _____
EPA WASTE NO. _____ CA WASTE NO. _____ ACCUMULATION START DATE _____

CONTENTS, COMPOSITION: _____

PHYSICAL STATE: SOLID LIQUID

HAZARDOUS PROPERTIES: FLAMMABLE TOXIC
 CORROSIVE REACTIVITY OTHER _____

D.O.T. PROPER SHIPPING NAME AND UN OR NA NO. WITH PREFIX

HANDLE WITH CARE!

Quick Reference Guide (QRG)

A large quantity generator of hazardous waste that is developing a hazardous waste contingency plan or otherwise amending its contingency plan shall at that time submit a QRG of the contingency plan to the local emergency contacts or, as appropriate, the local emergency planning committee. For new hazardous waste generators, the QRG must be a part of the Contingency Plan. Items to include in the QRG include:

1. The types and names of the hazardous wastes on site and their hazard **in layman's terms** (e.g., toxic paint wastes, spent ignitable solvents)
2. An estimated maximum amount and location of each hazardous waste on site at any one time

Quick Reference Guide (QRG), continued

3. The identification of any hazardous waste that would require unique or special treatment by medical staff in the event of exposure
4. A map of the facility identifying where hazardous waste may be located
5. A street map of the facility in relation to surrounding businesses, residences, churches, recreation centers, schools, etc. where populations will likely gather
6. The location of the water supply
7. Information about any on-site notification systems to communicate with people at the facility
8. The name and contact information for the emergency coordinator

Waste Determination at the Point of Generation

- ▶ The hazardous waste determination for each solid waste shall be made at the point of waste generation, before any dilution, weathering, mixing, or other alteration of the waste occurs.
- ▶ Exemptions from permitting continue to be in place for on-site treatment such as elementary neutralization or a totally enclosed treatment system.

Receipt of Hazardous Waste from VSQG at a LQG Site

- ▶ A LQG can receive waste from a VSQG “under control of the same person” without having to have a permit or requiring the designation of a transfer facility with a 10-day limit. (LAC 33:V.1015.G.)
 - ❖ Under Control - for the purpose of this regulation means, “the power to direct the policies of the generator, whether by the ownership of stock, voting rights, or otherwise, except that contractors who operate generator facilities on behalf of a different person shall not be deemed to control such generators.”
- ▶ The LQG must first notify the LDEQ using the HW-1 form at least 30 days prior to receiving the first shipment.
- ▶ Container being shipped from a VSQG to a LQG must be labeled with the words “Hazardous Waste” and an indication of the contents.

Receipt of Hazardous Waste from VSQG at a LQG Site, continued

- ▶ Container must be dated when it is received from the VSQG; the 90-day clock starts upon receipt in order to identify when the waste needs to be shipped to an approved off-site treatment, storage or disposal facility.
- ▶ The LQG will be required to annually report the waste received from VSQG, (Source code G51).
- ▶ All VSQGs must have an EPA identification number to ship to a LQG. These numbers can be obtained by the submittal of an HW-1 form. (LAC 33:V.1015.G.)
- ▶ VSQG must “ensure delivery” to the LQG
- ▶ Records must be maintained by the LQG for a minimum of 3 years.

Satellite Accumulation Area

- ▶ Satellite Accumulation Areas must be addressed in the Contingency Plan.
- ▶ The generator must date the container(s) holding the excess accumulation of hazardous waste (55 gallons of non-acute) with the date the excess amount began accumulating.
- ▶ The waste can stay at the satellite accumulation area location for 3 days after reaching 55 gallons prior to movement.
- ▶ Once moved to the Central Accumulation Area it should be redated in order to track the 90-day accumulation allowed prior to being sent off-site for disposal.

Emergency Notifications to Other Regulatory Agencies

- ▶ National Response Center (NRC)
 - ❖ Immediate Notification of releases is required if release exceeds reportable quantity by calling their 24-hour toll free number 1-800-424-8802
- ▶ Local Emergency Planning Committee

Air Emission Standards

- ▶ Accumulation of Hazardous Waste in Containers. If the hazardous waste is placed in containers, the large quantity generator must comply with the applicable Air Emission requirements of LAC 33:V.Chapter 43.Q, R, and V.

Emergency Procedures

- ▶ A facility possessing 24-hour response capabilities may seek a waiver from the authority having jurisdiction over the fire code at the facility's location (i.e., state fire marshal or district fire chief) as far as needing to make arrangements with the local fire department as well as any other organization necessary to respond to an emergency, provided that the waiver is documented in the operating record.

Manifesting Requirement

- ▶ Manifesting requirements remain in Chapter 11.
- ▶ Added provisions for using e-manifest.

Tank Storage Requirements

- ▶ Tanks shall be marked with the words “Hazardous Waste” and an indication of the hazards of the contents.
- ▶ Generators must be able to demonstrate that tanks are emptied at least every 90 days

EPA Comparison Table for Generators

<https://www.epa.gov/hwgenerators/hazardous-waste-generator-regulatory-summary>

Requirement	Very Small Quantity Generators	Small Quantity Generators	Large Quantity Generators
Quantity Limits The amount of hazardous waste generated per month determines how a generator is categorized and what regulations must be complied with.	≤ 100 kg/month, and ≤ 1 kg/month of acute hazardous waste, and ≤ 100 kg/month of acute spill residue or soil §260.10	>100 and $<1,000$ kg/month §260.10	$\geq 1,000$ kg/month, or >1 kg/month of acute hazardous waste, or >100 kg/month of acute spill residue or soil §260.10
EPA ID Number Acquire a unique EPA identification number that identifies generators by site.	Not required	Required §262.18	Required §262.18
On-Site Accumulation	$\leq 1,000$ kg or ≤ 1 kg acute		

Highlights

- ▶ Always check LDEQ's website for the most recent version of the HW-1
- ▶ Any generator who is a large quantity generator for any one month of the calendar year shall complete and submit an annual report to the LDEQ, Office of Environmental Services by March 1 of the following year.
- ▶ Generator classifications are per month unless an episodic event has been approved. For example, if you generate greater than 100 kg in any one month, you are a SQG, subject to SQG requirements. If you have on-site storage greater than this amount, you must have records to prove you did not generate greater than 100 kg in any one month.
- ▶ Generator status can change from month to month, but changes require the submittal of the HW-1 form.(LAC shall 33:V.1007.A.)

Highlights

- ▶ If you cannot provide signed and dated documentation of an inspection of a CAA, it can be assumed by the LDEQ that the inspections were not done.
- ▶ Records should be maintained for at least three years supporting the hazardous waste generator status and classification of the waste stream (LAC 33:V.1019).
- ▶ Closure standards do not apply to VSQG or SQG.
- ▶ Manufacturing process units become subject to hazardous waste regulations if the hazardous waste remains in the unit for 90 days after the unit is temporarily or permanently removed from service.

Questions

Blake Vincent– Sr. Project Manager

blake.vincent@c-ka.com

(337) 304-2805

Common Audit Repeat Findings

- ▶ Open hazardous and solid waste containers.
- ▶ Spray paint cans in dumpsters.
- ▶ Universal waste not labeled and dated correctly includes fluorescent bulbs, E-Waste, Ballasts, etc.
- ▶ Universal waste containers/boxes open not taped closed.
- ▶ Containers non-hazardous and hazardous materials not labeled correctly.
- ▶ Tanks not labeled correctly.
- ▶ Inadequate or incorrect waste determination documentation.