



**GEORGIA**  
DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

# Hazardous Waste Generator Improvements Rule

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**AWMA Regulatory Update**  
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# INTRODUCTION TO HAZARDOUS WASTE GENERATOR RULES

- Have not changed significantly since 1980
- Majority of regulations are found in 40 CFR 262 (incorporated into Section 391-3-11-.08 of the Georgia Rules)
- Rules for conditionally-exempt small quantity generators found in 40 CFR 261.5 (391-3-11-.07)
- Allow small and large quantity generators to accumulate hazardous waste without a permit for up to 90/180/270 days provided that they comply with the conditional requirements
- Incorporated references to regulations in 40 CFR 265 [391-3-11-.10(1)]



# GENERATOR IMPROVEMENTS RULE

- Reorganizes and consolidates the hazardous waste generator regulations into 40 CFR 262 to make them more user friendly
  - Moved 261.5 to 262.14, and removed references to 265 and replaced with text
  - Separated regs in 262.34 for satellite accumulation areas, small quantity generators (SQG) , and large quantity generators (LQGs) into three separate sections, 262.15, 262.16, and 262.17
  - Separated conditional exclusions from independent exclusions.
- Added clarifying language to certain regulations to make them easier to understand



## NEW TERMS & DEFINITIONS

- VERY SMALL QUANTITY GENERATOR (VSQG)– replaces the term “conditionally-exempt small quantity generator”
- CENTRAL ACCUMULATION AREA – replaces the term “90/180/270 day storage area”. Any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either 262.16 for SQGs or 262.17 for LQGs.
- ACUTE HAZARDOUS WASTE – P-listed waste in 261.33(e) or F-listed waste with assigned hazard code of (H) in 261.31(a) [F020-F023, F026, F027]
- NON-ACUTE HAZARDOUS WASTE



## NEW TERMS AND DEFINITIONS

- CONDITION FOR EXEMPTION – an event, action or standard in 262.14 through 262.17, 262.70, Subparts K or L that must be met in order to obtain an exemption from permitting.
- INDEPENDENT REQUIREMENT – a requirement of Part 262 that states an event, action, or standard that must occur or be met; that applies without relation to or irrespective of the purpose of obtaining a conditional exemption from permitting, interim status, and operating under 262.14 through 262.17 or subparts K or L.



## NEW FEATURES AND REQUIREMENTS

- Allows VSQGs to send their waste to a LQG under control of the same person
- Allows VSQGs and SQGs to generate 1 episodic amount of hazardous waste per year without having to comply with additional regulations, and change generator categories.
- Allows LQGs to apply for a site-specific waiver from an authority charged with the enforcement of fire codes to store waste within 15 meters (50 feet) of property line.
- Requires SQGs to re-notify every 4 years



## NEW REQUIREMENTS

- Requires generators to identify the hazards of waste being accumulated and label the containers accordingly
- Containers of hazardous waste at satellite accumulation areas must be labeled with the words “Hazardous Waste.”
- Containers of hazardous waste must be labeled with applicable waste codes prior to transportation off-site
- LQGs must notify the State within 30 days prior to closure of the facility
- Requires LQGs to submit a Biennial Report identifying hazardous wastes generated in the calendar year, not just the months the facility was an LQG



# NEW REQUIREMENTS

- Requires facilities that recycle hazardous waste without storing the waste to prepare and submit a Biennial Report
- Requires LQGs that are updating their contingency plan to prepare a quick reference guide to assist emergency responders in an emergency
- Requires LQGs who store at satellite accumulation areas to comply with emergency preparedness and prevention and contingency plan requirements
- Requires incompatible wastes stored in satellite accumulation areas to be separated by practical means
- Requires LQGs to close as a landfill and performed post-closure care at any container accumulation unit where contaminated soils and wastes cannot be practically removed





## TRANSPORT TO DESIGNATED FACILITY

A generator shall not transport, offer its hazardous waste for transport, or otherwise cause its hazardous waste to be sent to a facility that is not a designated facility or not otherwise authorized to receive the generator's hazardous waste.



# WASTE DETERMINATIONS

- Must be accurate to ensure proper management of the waste
- Made at the point of generation for each solid waste, 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 such that its waste classification may have changed.
- SQGs and LQGs are required to identify applicable waste codes based on the determination



# WASTE DETERMINATIONS

- Recordkeeping
  - ✓ Results of any tests, sampling, waste analyses, or other determinations
  - ✓ Records documenting the test, sampling and analytical methods used
  - ✓ Records consulted in order to determine the process by which the waste was generated, its composition and properties
  - ✓ Records that explain the knowledge basis
  - ✓ Must keep records for three years since the waste was last sent for treatment, storage, or disposal



# WASTE DETERMINATIONS

## Clarifications

- May use knowledge to make determination, but determination must be accurate. If there is any uncertainty, the waste should be tested
- While awaiting analysis results, generator must manage waste as a hazardous waste and continue to do so if the determination is hazardous
- The generator is ultimately responsible for the determination. Hiring a third party, contractor, waste broker or consultant, or reliance on information provided by suppliers does not transfer responsibility to the third party.



## COUNTING WASTE

- Generator Category is based upon the amount of hazardous waste generated in a calendar month and can change month to month
- Mixtures of hazardous waste with solid waste
  - May cause your generator category to change
  - No dilution of the waste – 268.3(a)
  - If you mix a characteristic waste with a non-hazardous waste, you must meet land disposal restrictions
  - Must make a new hazardous waste determination after mixing



# GENERATOR CATEGORIES

Generator category	Quantity of acute hazardous waste	Quantity of non-acute hazardous waste	Quantity of residues from the cleanup of spilled acute hazardous waste
VSQG	≤ 1 kg, and	≤ 100 kg, and	≤ 100 kg
SQG	≤ 1 kg, and	> 100 kg and <1,000 kg, and	≤ 100 kg
LQG	Any amount, or	Any amount, or	> 100 kg
LQG	Any amount, or	≥ 1,000 kg, or	Any amount
LQG	> 1 kg, or	Any amount, or	Any amount

\* Generated in calendar month



# SATELLITE ACCUMULATION AREAS

## What's NEW?

- Must comply with special requirements for incompatible wastes (265.177)
  - ✓ Incompatible hazardous wastes (HW) must not be placed in the same container unless 265.17(b) is complied with
  - ✓ HW must not be placed in an unwashed container that previously held an incompatible unless 265.17(b) is complied with
  - ✓ A container holding an incompatible must be separated from the other material by means of a dike, berm, wall or other device



## SATELLITE ACCUMULATION AREAS

- A maximum amount of acute hazardous waste that can be accumulated in a SAA is
  - ✓ 1 quart for liquids, or
  - ✓ 1 kg (2.2 pounds) for solids, or
  - ✓ For areas where you have both liquid and solid acute hazardous accumulating, the maximum amount is 1 kg or 2.2 lbs.
- A container holding hazardous waste must be kept closed at all times during accumulation, except when
  - ✓ Adding, removing, or consolidating waste, or
  - ✓ Temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.





## SATELLITE ACCUMULATION AREAS (SAA)

- Clarified that hazardous waste in excess of 55 gallons must be moved to a Central Accumulation Area within “three consecutive calendar days”
- Added the option for generators to convert an SAA to a CAA when maximum volumes are exceeded.
- SAAs at LQGs must comply with 40 CFR Part 262 Subpart M
- SAAs at SQGs must comply with 262.16(b)(8) & (9)



## SATELLITE ACCUMULATION AREAS

- Rescinding a memo regarding the accumulation of reactive wastes away from the point of generation
  - ✓ Waste can be managed away from point of generation, but that area should be considered a CAA.
  - ✓ For safety, may move waste from SAA to CAA at the end of day/shift and back to SAA next day.
- Defined “under control of the operator”
  - ✓ Can be locked or unlocked
  - ✓ Should be within view, so it can be monitored
  - ✓ Operator refers to an individual or individuals responsible for the equipment or processes generating the waste and does not refer to a company or entity as a whole.



# MARKING AND LABELING FOR SQGs & LQGs

Containers in Satellite and Central Accumulation Areas must be marked or labeled with the following:

- The words “Hazardous Waste” and
- An indication of the hazards of the contents, including but not limited to the following:
  - Applicable hazardous characteristics (i.e., ignitable, corrosive, reactive, toxic), or
  - Hazard Communication consistent with the DOT requirements (40 CFR Part 172 Subpart E or F), or
  - A hazard statement or pictogram consistent with OSHA Hazard Communication Standard at 29 CFR 1910.1200, or
  - A chemical hazard label consistent with the NFPA code 704



# EXAMPLES OF POSSIBLE LABELING FOR HAZARDS



Ignitable

Corrosive





# MARKING AND LABELING FOR SQGs & LQGs

## Tanks

- Must be marked with words “Hazardous Waste” and
- An indication of the hazards of the contents , including but not limited to the following:
  - ✓ Applicable hazardous characteristics (i.e., ignitable, corrosive, reactive, toxic), or
  - ✓ Hazard Communication consistent with the DOT requirements (40 CFR Part 172 Subpart E or F), or
  - ✓ A hazard statement or pictogram consistent with OSHA Hazard Communication Standard at 29 CFR 1910.1200, or
  - ✓ A chemical hazard label consistent with the NFPA code 704



# MARKING AND LABELING FOR SQGs & LQGs

## Tanks (continued)

- Use inventory logs, monitoring equipment, or other records to demonstrate the following:
  - If using a batch process, hazardous waste has been emptied within 180 days for SQGs (or 90 days for LQGs) of first entering the tank
  - If continuous process flow, estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days for SQGs (or 90 days for LQGs) of first entering
- Keep inventory logs or records with the above information on site where readily available for inspection



# MARKING & LABELING FOR TRANSPORTERS & TSDS

## Transporters

- When consolidating two or more containers with the same hazardous waste into a new container or when consolidating compatible hazardous waste with each other, must mark new container with the following:
  - ✓ “Hazardous Waste”
  - ✓ Applicable RCRA waste codes

## TSDs

- Mark containers with the following:
  - ✓ “Hazardous Waste”
  - ✓ An indication of the hazards of the contents
  - ✓ Applicable RCRA waste codes
  - ✓ Date storage began
  - ✓ Tracking



## PRE-TRANSPORT LABELING

- Prior to shipment, the containers must be marked with the applicable EPA hazardous waste codes
- Do not have to label lab packs with waste codes if lab packs are to be incinerated, except those that contain D004 (arsenic), D005 (barium), D006 (cadmium), D007 (chromium), D008 (lead), D010 (selenium), or D011 (silver).





## SQG EMERGENCY PLANNING & PROCEDURES

- Posting of names and telephone numbers of emergency coordinator next to telephone – text of regulation changed to “next to telephone or in area directly involved in the generation and accumulation of hazardous waste.”
- Containment and cleanup may be conducted by the SQG or a contractor on behalf of the SQG



# DRIP PADS & CONTAINMENT BUILDINGS

## Applies to SQGs and LQGs

- Must remove all hazardous waste from drip pad or containment building within 90 days – must keep records that demonstrate waste removal
- Once removed, SQGs have 180 days and LQGs have 90 days to accumulate the waste onsite before off-site shipment to TSD
- Drip Pads must comply with Subpart W of 40 CFR 265
- Containment Buildings must comply with Subpart DD of 40 CFR 265
- Containment Buildings must be labeled with “Hazardous Waste” and indication of the hazards of the waste

VSQGs may accumulate on drip pads but must comply with Subpart W of 40 CFR 265



## 50 FT BUFFER WAIVER

Regulations require that ignitable and reactive wastes must be stored at least 50 meters (15 feet) from the property line

- If a LQG is unable to meet this requirement, they can apply for a site-specific waiver from the authority having jurisdiction over the fire code
- Keep written approval in their records



# VSQG ALLOWED TO SEND HAZARDOUS WASTE TO LQG UNDER CONTROL OF SAME PERSON

Requirements for VSQG: Label containers with the words “Hazardous Waste” and an indication of the hazards of the contents

Interstate shipments: VSQG must ensure that both states have adopted the provision



# VSQG ALLOWED TO SEND HAZARDOUS WASTE TO LQG UNDER CONTROL OF SAME PERSON

## Requirements for LQG:

- Notify State that they are receiving waste from a VSQGs at least 30 days prior to receiving the first shipment. Provide names, site addresses, and contact info for each VSQG from which they will be receiving waste
- **Recordkeeping:** names, site addresses and contact information for each VSQG, description of the waste shipment from the VSQG including the quantity and date received.
- Labeling and marking of containers – 262.17(a)(5)
- Must report the VSQG waste on the LQG's Biennial Report



# CLOSURE REQUIREMENTS

Applies to LQGs with central accumulation areas only

## Closing a waste accumulation unit

- Place notice in the facility's operating record that identifies the unit that is being closed and not perform the closure until the facility closes or
- Formally close the unit in accordance with closure standards of 262.17(a)(8)(iii) and notify State within 90 days of closure.

## Closing a facility

- Notification on EPA Form 8700-12
- Close unit in accordance with closure standards of 262.17(a)(8)(iii)



## RENOTIFICATION FOR SQGs AND LQGs

SQGs must re-notify every four years beginning September 1, 2021. Re-notifications will be due every four years on September 1<sup>st</sup> of that year.

LQGs re-notify when they submit their biennial report (every March 1<sup>st</sup> of even-numbered years)



## BIENNIAL REPORTS

LQGs need to complete and submit biennial reports on the wastes generated every odd-numbered year. The report should be submitted by March 1st of every even-numbered year

LQGs must report all of the hazardous waste generated for the entire reporting year, not just the months the generator was an LQG





# LABORATORIES OWNED BY ELIGIBLE ACADEMIC ENTITIES

## What's new?

Accumulation time limit for unwanted material has been extended from 6 months to a year.

Academic entities that have opted into Subpart K will be required to remove the unwanted material from each laboratory under the following timetables:

- (1) Every 12 months;
- (2) Within 10 calendar days, if the laboratory accumulates more than 55 gallons of unwanted material or 1 quart of reactive acutely hazardous unwanted material



## EPIIODIC GENERATION FOR VSQGs AND SQGs

Allows VSQGs and SQGs to maintain their existing generator category if, as a result of a planned or unplanned episodic event, the generator would generate a quantity of hazardous waste in a calendar month sufficient to cause the facility to move into a more stringent generator category, provided that:

- One episodic event per calendar year with ability to petition for second event
- If the first event is planned, the second event must be for an unplanned event or visa versa
- Notify State at least 30 days prior to initiating planned episodic event
- Notify State within 72 hours after an unplanned event
- Conclude event within 60 days, including shipping episodic waste off-site



# STREAMLINED REQUIREMENTS FOR EPISODIC GENERATION

## What do VSQGs have to do?

- ✓ Obtain RCRA ID number
- ✓ Use hazardous waste manifest and transporter to ship waste to RCRA TSD
- ✓ Manage episodic hazardous waste in a manner that minimizes the possibility of an accident or release
- ✓ Label episodic waste containers with “Episodic Hazardous Waste” and hazards
- ✓ Identify an emergency coordinator
- ✓ Maintain records associated with episodic event

SQGs need only comply with existing SQG regulations and maintain records associated with episodic event



# PREPAREDNESS, PREVENTION & EMERGENCY PROCEDURES

New section applies to LQGs only.

Includes requirements from 40 CFR 265 and the following new requirements/clarifications:

✓ Emergency Coordinator (EC):

- No longer have to include employee addresses and home phone numbers in the Contingency Plan. May only include an emergency telephone number for that person
- If an EC is continuously on duty 24-hours per day, every day of the year, the plan may list a staff position and a phone number manned by the staffed position

✓ Required emergency equipment:

- Provides flexibility in storing equipment in other areas of the facility when it is infeasible and inappropriate for safety reasons to store the equipment immediately next to generation and accumulation areas
- Immediate access = “direct and unimpeded access”



# PREPAREDNESS, PREVENTION & EMERGENCY PROCEDURES

- ✓ The Contingency Plan applies only to those areas where hazardous waste is generated and accumulated and, where applicable, to those areas where allowable treatment may occur in accumulation units
- ✓ Arrangements with Local Authorities
  - Must attempt to make arrangements with local police department, fire department, other emergency response teams, emergency response contractors, emergency suppliers, and local hospitals. May also make arrangements with LEPC, if determined to be the appropriate organization with which to make arrangements.
  - Include documentation of arrangements made and attempts made to make arrangements
  - If a facility has its own 24-hour response capability, it may seek a waiver from an authority having jurisdiction over the fire code within the facility's state or locality



# QUICK REFERENCE GUIDE TO CONTINGENCY PLAN

New LQGs after May 30, 2017 or existing LQGs that are otherwise amending their contingency plan must submit a quick reference guide to local emergency responders and/or LEPC (if appropriate)

## Contents of Quick reference Guide:

- ✓ Types and hazards of hazardous waste
- ✓ Maximum amount of hazardous waste present at any one time
- ✓ Identification of any hazardous waste where exposures would require unique or special treatment by medical or hospital staff
- ✓ Map showing locations where hazardous waste is generated, accumulated or treated and routes for accessing these areas
- ✓ Street map of facility in relation to surrounding businesses, schools, and residences for evacuation purposes
- ✓ Location of water supply
- ✓ Identification of on-site notification systems
- ✓ Name of emergency coordinator and contact information

Must be updated whenever information changes and re-submitted to local responders.



# TIMETABLE FOR ADOPTING GENERATOR IMPROVEMENTS RULE

March 27 – May 1: Public notice

No comments were received

May 24: Department of Natural Resources  
Board meets to vote on whether to adopt  
the Generator Improvements Rule

End of June: anticipate that rule will  
become effective in Georgia



# QUESTIONS?

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