HAZARDOUS WASTE MANAGEMENT: WHAT'S NEW?

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TYPICAL USACE (AND OUTGRANT) GENERATION

- Waste paint
- Waste solvent
- Metal shavings
- Waste welding rods
- Waste solder
- Contaminated bead blast
- NiCad batteries
- Parts-washing sludge

- Expired chemicals/ products with hazardous constituents
- Unknowns/orphans
- Civil Defense waste (i.e. penicillin, iodine, batteries, Phenyl Barbytol)
- Oily rags
- Lead-acid batteries
- Picric Acid

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NEW WASTE GENERATOR RULES

- EPA Final Hazardous Waste Generator Improvements Rule
  - New rule signed 28 Oct 2016, **effective 30 May 2017**
    - Rule goes into effect in IA, AK, the territories, and tribal lands on 30 May 2017

But what about everywhere else?

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NEW WASTE GENERATOR RULES

- RCRA authorized states (everybody but the locations on the prior slide) have to pick up the *more stringent provisions*, typically by 1 July 2018 (or 1 July 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

Check your state's website. As the state versions of the new rules are promulgated, they will be included in the State Supplements to the U.S. TEAM Guide.

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NEW WASTE GENERATOR RULES

- Until the Authorized States make the changes there is going to be a period of time where there is a disconnect.
- If you are in a state which is considered a leader in environmental regulations (i.e. California) or your state regulator has made a habit of visiting your project, consider calling and talking to the regulator about their expectations of how you are to operate.

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BEFORE DIGGING INTO THE DETAILS OF THE CHANGES, A QUICK REMINDER……

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GENERATOR CATEGORIES

To determine your Generator category, count all hazardous waste generated in a calendar month:

NEW Term-inology

Very Small Quantity Generator (VSQG)

½ Drum or
27 Gal. Or
220 lbs. Or
100 Kg

Small Quantity Generator (SQG)

½ to 5 Drums or
27-275 Gal. Or
220-2200 lbs. Or
100-1000 Kg.

Large Quantity Generator (LQG)

>5 Drums or
>275 Gal. or
>2200 lbs. or
>1000 Kg.

Note: 1 (55) gal drum = 440 lbs. = 200 kg.

This presentation is going to focus on VSQGs and SQGs

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THE CHANGES

The Big Picture:

- Have to be able to prove your generator category/status
- Allow HW Generators to maintain existing generator status provided **episodic waste** is managed properly
- VSQG can send their hazardous waste to a LQG under control of the same “person”
- Clarification of labeling requirements
- Clarification of Satellite Accumulation Point/Area (SAP/SAA) requirements

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GENERATOR CATEGORY/STATUS

- Previously the hazardous waste regulations only required you determine whether or not solid waste is a hazardous waste.
- NOW, you also have to “determine” your generator category according to a process defined by U.S. EPA.

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GENERATOR CATEGORY/STATUS

The Determination Process:

- Document the total amount of hazardous waste generated in the calendar month (no matter what is done in terms of disposal)
- Subtract from the above total any amounts of waste exempt from counting (i.e., waste is recycled, waste is handled as “used oil,” universal waste [full list at 40 CFR 262.13])
- Document, Document, Document

This will impact VSQGs who do not manifest the most.

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EPISODIC GENERATION

What is “episodic generation”?

- An unplanned event such as a spill cleanup, OR
- A planned event such as:
  - Depainting a large piece of equipment
  - Storage tank cleanout
  - Lab cleanout
  - Other O&M?

Bottom Line:
The Project is generating a lot more hazardous waste than it does on a routine basis AND that additional waste generation can cause the Project to violate their current generator category/status.

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EPISODIC GENERATION

U.S. EPA now allows VSQGs and SQGs ONE episodic event a year.

- Episodic events may be planned (i.e., maintenance) or unplanned (i.e., a spill)
- If first event is planned, the petition for a 2nd event must be for an unplanned event or vice versa

Managing the hazardous waste that is in excess of normal/routine operations as “episodic” means the Project will not change Generator categories/status.

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EPISODIC GENERATION

To take advantage of the episodic waste option:

- Notify EPA or state at least 30 days prior to initiating a planned episodic event
- Notify EPA or state within 72 hours after an unplanned event
- Conclude the episodic event within 60 days, including getting the episodic waste off-site

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EPISODIC GENERATION

- Additionally, if you are a VSQGs and have a planned or unplanned episodic event, you must:
  - Obtain a RCRA ID Number
  - Use an hazardous waste manifest and transporter to send episodic waste to RCRA-designated facility (TSDF or recycler)
  - Manage the episodic hazardous waste in a manner that minimizes the possibility of an accident or release
  - Label episodic waste containers
  - Identify an emergency coordinator
  - Maintain records associated with episodic event
- SQGs need only comply with existing SQG regulations and maintain records associated with the episodic event

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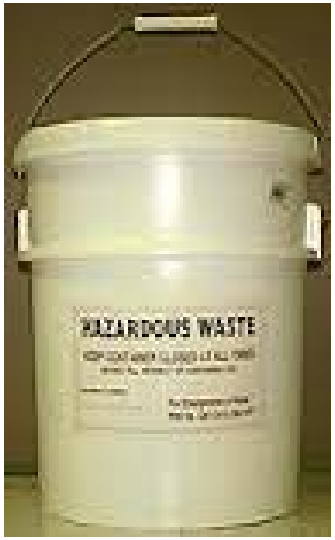
VSQG WASTE DISPOSAL

- Under the revised rules, instead of dealing with the hazardous waste disposal process themselves, a VSQG has the option to take their hazardous waste to a LQG under control of the same “person.”



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VSQG WASTE DISPOSAL

- The problems:
  - USACE Civil Works does not have many LQGs and there is the potential to have to haul the hazardous waste a long way.
  - The receiving LQG has to agree to accept the hazardous waste and do all of the extra documentation, reporting, and recordkeeping if they accept hazardous waste they did not generate.

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VSQG WASTE DISPOSAL

- Like this picture, this idea is probably not a good one for implementation in USACE Civil Works

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SAA/SAP

Basic Reminders about SAAs/SAPs

- These are only present at SQGs and LQGs
- Their intent is to create a place to “accumulate” hazardous waste near the actual source of the hazardous waste.
- It is illegal to move hazardous waste from one SAA/SAP to another SAA/SAP
- The SAA/SAP regulations are probably the most argued about regulation in all of the hazardous waste rules.

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SAA/SAP

Location Requirements

- Must be "*at or near*" any point of generation where wastes accumulates
  - Per the discussion in the new rule's Preamble, U.S. EPA does not consider a shed outside a building where the waste is initially generated to be ''at or near the point of generation.'' U.S. EPA also states that "implementing regulatory agencies will retain authority in determining what they consider ''at or near the point of generation.''
- Must be under the control of the operator of the process generating the waste

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SAA/SAP

What is “under the control of the operator…….”

- Per the Preamble, U.S. EPA believes there can be more than one operator per SAA at one time (page 85768)
- Per the Preamble, the term “operator” does refer to an individual or individuals responsible for the equipment or processes generating the hazardous waste and does not refer to a company or entity as a whole
- In the Preamble, U.S. EPA provided the following examples as meeting this parameter:
  - If the operator controlled access to an area, building, or room in which the SAA is located, such as with entry by access card, key or lock box.
  - if the operator accumulates waste in a locked cabinet and controlled access to the key, even if the cabinet is stored inside a room to which access is not controlled.

  BUT…

Implementing regulatory agencies may consider the above examples or alternatives to meet the intent of the term, which is to ***ensure that someone familiar with the operations generating the hazardous waste is aware of and able to attend to the operations, if needed, while also providing some measure of controlled access.***

SAA/SAP

Operational Requirements

- No more than 55 gal of HW is stored at an individual SAA/SAP (Add together est. contents of all containers (**NOT** capacity); if > 55 gal = Noncompliant)

Is this compliant?

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SAA/SAP

Operational Requirements (cont.)

- All containers are kept closed except:
  - When adding, removing, or consolidating waste; or
  - When temporary venting of a container is necessary:
    - For the proper operation of equipment, or
    - prevent dangerous situations, such as build-up of extreme pressure.
- When a container is “full,” it is moved out of the SAA/SAP within 3 consecutive calendar days.
- Containers from an SAA/SAP only go to a 180-day or 90-day storage area; a TSDF; or an off-site designated facility.

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SAP/SAA

- Labeling Requirements
  - Each container is labeled with the phrase “Hazardous Waste” *(The prior version of the rule allowed other language)*
  - Each container is labeled indicating the **Hazard** of the contents
    - DOT Hazard Communication; or
    - OSHA Hazard Statement or Pictogram; or
    - NFPA Chemical hazard label; or
    - RCRA characteristics…
  - IF a container is full, the date it became full is marked on container

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WHAT DO YOU THINK?

<u>Scenario</u>: Waste aerosol cans are generated in Building 1 and put in a 55-gal drum. They are taken to the180-day storage area, Project is an SQG, in Building X where they are punctured and drained.

Where is the SAP/SAA?

Aerosol Paint Can Crusher

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SQG SPECIFIC CHANGES

- Starting in 2021, SQG must re-notify EPA every 4 yr using EPA Form 8700-12 and submitting the form by 1 September of each year in which re-notifications are required.
  - EPA is trying to figure out what all is out there!

- SQGs officially have the option to use contractors to address releases (containment/cleanup)

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SQG SPECIFIC CHANGES

- SQGs are given the right to determine the most appropriate locations for their emergency equipment
- SQGs MUST attempt to make emergency response arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility.
  - Have to be documented!

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QUESTIONS?

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