Generator Improvements Rule

Hazardous Waste Program

Ellie Brown, Hazardous Waste Policy Analyst, Headquarters
Jeremy Fleming, Hazardous Waste Compliance Inspector, Northwest Region
Mary Fritzmann, Hazardous Waste Reporting and Invoicing Coordinator, Headquarters

March 30, 2022
Generator Improvements Rule

Impacts anyone who generates hazardous waste.

Updates regulations to make rules easier to understand, facilitate better compliance, provide clarification, close gaps in regulations, provide greater flexibility.

Includes “more stringent” regulations for generators that require changes to operating practices.
Where is GIR in effect?

Source: EPA
Background

Environmental Protection Agency (EPA) evaluated the hazardous waste generator program from 2004 to 2014.

Goals:
- Improving effectiveness
- Reducing compliance costs
- Fostering improved relationships
Reorganization

- Conditionally Exempt Generator → Very Small Quantity Generator
- Generator requirements from 265 are now also found in 262: tank and container requirements, emergency preparedness

<table>
<thead>
<tr>
<th>Generator Category Determination</th>
<th>OLD CITATION</th>
<th>NEW CITATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>VSQG Provisions</td>
<td>261.5(c)-(e)</td>
<td>262.13</td>
</tr>
<tr>
<td>Satellite Accumulation Area Provisions</td>
<td>261.5(a), (b), (f)-(g)</td>
<td>262.14</td>
</tr>
<tr>
<td>SQG Provisions</td>
<td>262.34(c)</td>
<td>262.15</td>
</tr>
<tr>
<td>LQG Provisions</td>
<td>262.34(d)-(f)</td>
<td>262.16</td>
</tr>
<tr>
<td></td>
<td>262.34(a), (b), (g)-(i), (m)</td>
<td>262.17</td>
</tr>
</tbody>
</table>
More Stringent Regulations

- Subjects satellite accumulation containers to central accumulation container labeling requirements, incompatibility requirements and contingency plan requirements.
- Label satellite accumulation containers and 90/180/270-day containers and tanks with an indication of the hazards of the contents.
- Requires hazardous waste containers be marked with hazardous waste codes prior to shipment.
- Requires LQGs to create quick reference guide to assist responders in an emergency.
- Requires LQGs to notify DEQ when plan to close facility.
Satellite Accumulation Areas – 40 CFR 262.15

- Allows containers to be open when **temporary venting** of a container is necessary
- “Three days” means **three consecutive calendar days** before moving to storage or off-site
- “Under control of the operator”
- Subject to **emergency preparedness** requirements of 262, Subpart M
- 1 kilogram of physically solid acute waste **added as maximum quantity limit in SAAs**
- Subject to same **incompatibility** requirements as 90/180/270-day accumulation containers
- **Labeling requirements** consistent with central accumulation areas
Hazardous Waste Determination

• Must be accurate and made at the point of generation

• SQGs and LQGs must maintain records

• Manage as hazardous until test results are received

• Must be made/remade any time there may have been a change
New Labeling Requirements

1. When generated, label containers and tanks with hazard of contents

2. Prior to off-site shipment to TSDF, mark container with waste codes of contents
Preparedness & Contingency Planning
Emergency Preparedness

- Must keep documentation of attempts made to make arrangements with local emergency responders.
- On-line or computer-based training added as an option.
- Only applies to areas where hazardous waste is generated, accumulated and stored.
- Removes address requirement for emergency coordinator.
Contingency Plan - Quick Reference Guide

- Types/names of hazardous waste, and associated hazards
- Estimated maximum amounts of hazardous waste
- Hazardous waste requiring special treatment
- Map showing generation, accumulation or treatment
- Evacuation facility map
- Location of water supply
- On-site notification systems
- Emergency coordinator(s) contacts

New LQGs must submit QRG with its contingency plan.
Existing LQGs must include QRG when updating its contingency plan
LQG Closure
LQG Closure

Closure of waste accumulation area
- Place notice in operating record, or
- Notify DEQ via Site ID Form

Closure of entire facility
- Notify DEQ via Site ID Form no less than 30 days before closure
- Within 90 days after closure, if can’t clean close must close as a landfill
### LQG Closure in Your DEQ Online

**16. Notification of LQG Site Closure for a Central Accumulation Area (CAA) (optional) or Entire Facility (required)**

- **Central Accumulation Area (CAA)**
- **Entire Facility**

<table>
<thead>
<tr>
<th>Expected closure date</th>
<th>Requesting new closure date</th>
<th>Date closed</th>
</tr>
</thead>
<tbody>
<tr>
<td>04/01/2022</td>
<td>mm/dd/yyyy</td>
<td>03/30/2022</td>
</tr>
</tbody>
</table>

- **in compliance with closure performance standards 40CFR252.17(a)(8)**
- **not in compliance with closure performance standards 40CFR252.17(a)(8)**

*Required*
Waiver to 50-foot Requirement

Allows LQG to request a waiver from the requirement that ignitable or reactive waste be located 50-feet from property line.

Request waiver from authority having jurisdiction over fire code.

LQG required to maintain approval documentation.
Large Quantity Generator Consolidation
## Large Quantity Generator Consolidation

- VSQG ships, without manifest, to LQG under control of same person
- No transfer, storage, disposal facility (TSDF) permit required

<table>
<thead>
<tr>
<th>LQG Responsibilities</th>
<th>VSQG Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Notify: Site ID Form</td>
<td>Label containers: “Hazardous Waste” + hazards</td>
</tr>
<tr>
<td>Label containers: Accumulation start date</td>
<td>_</td>
</tr>
<tr>
<td>Records: For each shipment, three-year retention</td>
<td>_</td>
</tr>
<tr>
<td>Manage all waste as LQG waste</td>
<td>_</td>
</tr>
</tbody>
</table>
LQG Consolidation in Your DEQ Online

18. LQG Consolidation of VSQG Hazardous 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)?

- Yes
- No

Your generator status must be LQG to opt into the LQG consolidation provision

Consolidated VSQG Sites

<table>
<thead>
<tr>
<th>EPA ID</th>
<th>Name</th>
<th>Address</th>
<th>City</th>
<th>State</th>
<th>Zip</th>
</tr>
</thead>
</table>

OR

1. (Items: 1)
LQG Consolidation in Your DEQ Online
**Episodic Generation**

**Episodic event:** when a VSQG or SQG generates more hazardous waste than is typical during routine operations and causes the generator to exceed its normal generator status for that month.
Episodic Generation

2. VSQG and SQGs are allowed two episodic events a year

No maximum generation amount

60 days to ship waste off site; SQGs may treat on site

Must notify DEQ
Episodic Generation

Generators can notify of multiple projects to be completed within the specified time frame on their site ID form submittal.

Containers and tanks must be labeled as “Episodic Hazardous Waste” and include the event start date.

Hazardous waste must be transported with a hazardous waste manifest and sent to a TSDF.

Generators can conduct one planned and one unplanned episodic event in a calendar year; must petition to qualify for a second event.
# Examples of Episodic Generation

<table>
<thead>
<tr>
<th>Planned Event</th>
<th>Unplanned Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>Short-term Construction or Demolition</td>
<td>Act of Nature</td>
</tr>
<tr>
<td>Excess Chemical Inventory</td>
<td>Accidental Spill</td>
</tr>
<tr>
<td>Equipment Maintenance During Plant Shutdown</td>
<td>Product Recall</td>
</tr>
<tr>
<td>Tank Clean-out</td>
<td>Production Process Upset</td>
</tr>
</tbody>
</table>
### Episodic Generation: Oregon Rule

<table>
<thead>
<tr>
<th>EPA GIR</th>
<th>DEQ More Stringent</th>
</tr>
</thead>
<tbody>
<tr>
<td>30-day notification for planned event</td>
<td>60-day notification for planned event</td>
</tr>
<tr>
<td>72-hour initial notification for unplanned event with follow-up Site ID notification</td>
<td>72-hour initial notification for unplanned event with follow-up DEQ Site ID notification within 5 days of initial 72-hour notification</td>
</tr>
<tr>
<td>Written approval for second petitioned event</td>
<td>Written approval for first event and second petitioned event</td>
</tr>
<tr>
<td>Biennial Report for LQGs No report fees</td>
<td>Annual report for all episodic events Generation and management fees apply</td>
</tr>
</tbody>
</table>
### Episodic Generation in Your DEQ Online

#### 17. 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.

- Your generator status must be SQG or DEQ.

#### Episodic Event

- **Episodic Event Type**: Required.
- **Beginning Date**: mm/dd/yyyy (Required)
- **End Date**: mm/dd/yyyy (Required)

#### Emergency Contact

<table>
<thead>
<tr>
<th>Field</th>
<th>Validation</th>
<th>Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salutation</td>
<td></td>
<td>Required</td>
</tr>
<tr>
<td>First Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>M.I.</td>
<td></td>
<td>Required</td>
</tr>
<tr>
<td>Last Name</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Company</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Title</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Email</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Phone</td>
<td>xxx-xxx-xxxx</td>
<td>Required</td>
</tr>
<tr>
<td>Mobile</td>
<td>xxx-xxx-xxxx</td>
<td></td>
</tr>
<tr>
<td>Fax</td>
<td>xxx-xxx-xxxx</td>
<td></td>
</tr>
</tbody>
</table>

---

(Review page for more details)
Episodic Generation in Your DEQ Online

<table>
<thead>
<tr>
<th>Waste Description</th>
<th>Estimated Quantity (lbs)</th>
<th>Hazardous Waste Codes (Federal)</th>
<th>Hazardous Waste Codes (State)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Required</td>
<td>Required</td>
<td>Required</td>
</tr>
</tbody>
</table>
Other Clarifications

• SQGs can store hazardous waste on drip pads and containment buildings if following SQG rules and 265 Subpart W/DD

• If a hazardous waste is mixed with a solid waste, generators must make a hazardous waste determination for the resulting mixture, using the existing mixture rules
340-100-0002
Adoption of United States Environmental Protection Agency Hazardous Waste and Used Oil Management Regulations
(1) Parts 260 to 268, 270, 273 and Subpart A and Subpart B of Part 124, as enacted through July 30, 2020, except as modified below in sections (2), (3) and (4).

340-100-0010
Definitions
(2)(d) “CEG” or “conditionally exempt generator” or “conditionally exempt small quantity generator” is equivalent to very small quantity generator as defined under 40 C.F.R. 260.10.

340-102-0230
Episodic Generation
(1) The provisions of this rule are in addition to the requirements of 40 C.F.R. 262 Subpart L…
Technical Assistance: Regional Contacts

Northwest Region
Clackamas, Clatsop, Columbia, Multnomah, Tillamook, and Washington counties
  • Pete Anderson, 503-229-5070
  • Alex Bertolucci, 503-229-5336

Western Region
Benton, Coos, Curry, Douglas, Jackson, Josephine, Lane, Lincoln, Linn, Marion, Polk and Yamhill counties
  • Bart Collinsworth, 503-378-5071

Eastern Region
Baker, Crook, Deschutes, Gilliam, Grant, Harney, Hood River, Jefferson, Klamath, Lake, Malheur, Morrow, Sherman, Umatilla, Union, Wallowa, Wasco, and Wheeler counties
  • Brian Allen 541-633-2014
  • Ryan Peterson, starts April 18, 2022