

Updates on Waste Programs

Presented by:

Amanda Lam

ADEQ Hazardous Waste Unit

June 2016





Update:

HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULE

Goals of the Proposed Rule

The 2015 HW Generator Improvements Proposed Rule seeks to:

- Reorganize the regulations to make them more user-friendly and thus enable improved compliance by the regulated community
- Provide greater flexibility for hazardous waste generators to manage waste in a cost-effective manner
- Strengthen environmental protection by addressing identified gaps in the regulations
- Clarify certain components of the hazardous waste generator program to address ambiguities and foster improved compliance

Major Rule Provisions

- Reorganization
- Consolidation of CESQG Waste at LQGs
- Episodic Generation
- Emergency Planning and Preparedness
- Hazardous Waste Determinations
- Labeling
- Reporting
- Satellite Accumulation Areas
- Waiver to 50-foot Requirement
- Additional Clarifications

*Please note this presentation is an overview of the major provisions of the proposed rule and is not a comprehensive look at every provision in the proposal

Reorganization of Generator Regulations

| Provision | Existing Citation | Proposed Citation |
|--|-----------------------------|-------------------|
| Generator Category Determination | §261.5(c)-(e) | §262.13 |
| CESQG Provisions | §261.5(a), (b), (f)-(g) | §262.14 |
| Satellite Accumulation Area Provisions | §262.34(c) | §262.15 |
| SQG Provisions | §262.34(d)-(f) | §262.16 |
| LQG Provisions | §262.34(a),(b),(g)-(i), (m) | §262.17 |

CESQG Waste Consolidation

Enhancing Generator Flexibility

Problem

- Some companies would like to be able to consolidate wastes from multiple CESQG sites for more efficient shipping and hazardous waste management
 - Reduce liability for company as a whole to ensure proper management of hazardous waste
 - Sending to a RCRA-designated facility is the most environmentally sound option
 - Currently an LQG needs a RCRA permit to receive CESQG wastes

CESQG Waste Consolidation

Enhancing Generator Flexibility

Proposed Rule's Solution

- Consolidate waste at an LQG under the control of the same person:
 - Person: As defined under RCRA
 - Control: Power to direct policies at the facility
- CESQG
 - Marks and labels waste containers with “VSQG Hazardous Waste”
- LQG
 - Notifies state on Site ID Form that it is participating in this activity and identifies what CESQGs are participating
 - Recordkeeping for each shipment
 - Manages consolidated waste as LQG hazardous waste
 - Reporting in Biennial Report

Episodic Generation

Enhancing Generator Flexibility

Problem

- Current RCRA rules lack 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 must comply with more comprehensive set of regulations for short period of time

Episodic Generation

Enhancing Generator Flexibility

Proposed Rule's Solution

- Allow generators to maintain their existing category provided they comply with streamlined set of requirements
 - Once a calendar year with ability to petition for second event
 - Notify EPA or state prior to initiating a planned episodic event and have up to 45 days to complete “episodic” event(s) and ship waste off-site; 30 day extension possible CESQG

Episodic Generation

Enhancing Generator Flexibility

- Streamlined Requirements for CESQGs:
 - Obtain RCRA identification number
 - Use 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

Preparedness and Planning

Strengthening Environmental Protection

Contingency Plan Executive Summary

Problem

- The contingency plans LQGs are required to submit to local emergency responders are lengthy
- At the moment of an emergency, responders want quick access to the most important information in the plan

Proposed Rule's Solution

- Require **new** LQGs submitting plans to include an executive summary that has the most critical information for immediate response to an event
- Responsive to Executive Order on Chemical Safety

Preparedness and Planning

Strengthening Environmental Protection

Contingency Plan Executive Summary

- Contents of the Executive Summary:
 - Types and amounts of hazardous waste
 - Maps of site and of surrounding area
 - Location of water supply
 - Identification of on-site notification systems (e.g., telephones, PA system)
 - Emergency contact



Preparedness and Planning

Strengthening Environmental Protection

Documenting Arrangements with Local Emergency Planning Committees (LEPCs)

Problem

- Current regulations require generators to attempt to make arrangements with local emergency responders regarding the materials stored on site to prepare for a potential emergency
- There is no requirement to keep a record that the arrangements have been made

Proposed Rule's Solution

- Generators must document that they have made the required arrangements with emergency responders
- No specific form or type of documentation required

Preparedness and Planning

Strengthening Environmental Protection

Other Preparedness and Planning Provisions

- Update regulatory language to refer to Local Emergency Planning Committees
- Clarify that the scope of the contingency planning and emergency procedures applies only to areas where hazardous wastes is being accumulated
- Remove requirement for personal information in records
- Revise regulations on placement of equipment to update for modern technology
- Clarify that contractors can clean up releases

Hazardous Waste Determinations

Strengthening Environmental Protection

Documentation

Problem

- Generators consistently fail to make a correct 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
- Current regulations clearly require maintaining documentation of determinations that a waste is hazardous, but not the alternative

Hazardous Waste Determinations

Strengthening Environmental Protection

Documentation

Proposed Rule's Solution

- Require SQGs and LQGs to keep documentation when a solid waste is determined to not be a hazardous waste
 - Scope of provision would focus only on those solid wastes found in 40 CFR 261.2 (i.e., spent materials, sludges and byproducts, discarded commercial chemical products) that have potential to be a listed or characteristically hazardous waste in 40 CFR 261.3
 - Many states already require such documentation; the estimated number of determinations is low and often non-recurring

Hazardous Waste Determinations

Clarifying Regulations

Other Hazardous Waste Determination Provisions

- Confirm that a generator's waste must be classified at its point of generation and at any time during the course of management for wastes potentially exhibiting a hazardous characteristic
- Explain more fully how generators can use generator knowledge
- Explain more completely in the regulations in §262.11 how a generator should evaluate its waste for hazardous characteristics

Labeling

Strengthening Environmental Protection

Problem

- Existing RCRA labeling regulations do not require generators to state the hazards of hazardous wastes accumulated in containers, tanks, drip pads and containment buildings
- Failure in risk communication
- Can impact workers, waste handlers, emergency responders and visitors
- Relevant areas on site: satellite accumulation areas, central accumulation areas, and at transfer facilities consolidating hazardous wastes from different generators

Labeling

Strengthening Environmental Protection

Proposed Rule's Solution

- Container labels must indicate the hazards of the contents of the containers
- Container labels must have “plain English” words that identify container contents
- Flexibility in how to comply with this new provision; can indicate the hazards of the contents of the container using any of several established methods
- Tanks, drip pads, containment buildings can keep this information in logs or records kept near the accumulation site

Reporting

Strengthening Environmental Protection

Re-notification by SQGs

Problem

- EPA and most states have outdated and inaccurate databases of SQG universe information because there is no requirement to notify periodically
- This makes it difficult to make programmatic decisions, plan or execute inspections as effectively

Proposed Rule's Solution

- Require SQGs to re-notify every 2 years
- Electronic reporting option

Satellite Accumulation Areas

Strengthening Environmental Protection, Enhancing Generator Flexibility,
 Clarifying Regulations

Some Proposed Satellite Accumulation Area Provisions

- Require that hazardous wastes not be mixed or placed in a container with other hazardous wastes that are incompatible
- Allow containers to remain open under limited circumstances, when necessary for safe operations
- Provide maximum weight in addition to volume for acute hazardous waste limit
- Clarify that “three days” means three calendar days
- Explain that when maximum weight or volume is exceeded, waste must be moved to a central accumulation area or TSDF
- Rescind memo allowing reactive hazardous waste to be stored away from the point of generation

Waiver to 50-Foot Requirement

Enhancing Generator Flexibility

Problem

- The generator regulations require that containers holding ignitable or reactive waste must be located at least 15 m (50 feet) from the facility's property line, but meeting this requirement can be impossible, especially in urban areas where properties are less than 100 feet wide.

Proposed Rule's Solution

- Allow the generators to approach the fire department to apply for a waiver from the requirement if the fire department believes that the precautions taken by the facility make the waiver appropriate and safe.

Stringency of Proposed Rule

More Stringent:

- Documenting hazardous waste determinations
- SQG re-notification
- Identifying risks of wastes being accumulated & labeling
- Executive summary for contingency plans

Less Stringent:

- CESQG consolidation
- Episodic generation
- Waiver from 50-foot rule

Rule Process & Schedule

- The rule was signed August 31, 2015
- Published in the Federal Register September 25, 2015
- Public comment period ended December 24, 2015
- EPA is currently reviewing the numerous comments received
- EPA's goal is to finalize in October 2016

Resources

- **Frequently Asked Questions:**
<https://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-generator-improvements-proposed-rule#q9>
- **Federal Register:**
<https://www.federalregister.gov/regulations/2015-07-01/2015-12-10/hazardous-waste-generator-improvements-rule>
- **EPA Generator Improvements Rule Proposal Presentation:**
https://www.epa.gov/sites/production/files/2015-10/documents/generator_improvements_rule_presentation_web.pdf



Now Available:

**RCRA EPA IDENTIFICATION
NUMBER - MYDEQ ONLINE PORTAL**



“Paper transactions and payments between businesses and ADEQ are inefficient, wasteful and burdensome...”

– Glenn Hamer, Arizona Chamber of Commerce

**In response to this, ADEQ
is working to phase out
paper processes by
offering the regulated
community a better way to
do business 24/7 online.**



Welcome To



Arizona Department of Environmental Quality

Online Portal



Currently available on myDEQ:

Quickpay — Pay your ADEQ bills online

DMR & SMRF — Submit your compliance reporting

EPA ID Number — Obtain, manage and deactivate EPA ID numbers

Coming this summer:

Crushing & Screening — Obtain, manage & terminate a general permit

Concrete Batch Plant — Obtain, manage & terminate a general permit

Hot Mix Asphalt — Obtain, manage & terminate a general permit

Annual Compliance Certification — Submit yearly compliance

RCRA EPA ID IS NOW AVAILABLE ON myDEQ

Save time and money by eliminating paper forms to Obtain, Manage or Terminate an EPA ID #. As a myDEQ user you can:

- 1** Submit EPA ID request 24/7
- 2** Instantly receive confirmation emails
- 3** Easily update your information

Getting a myDEQ account is easy...

- 1 Register a Responsible Officer online with myDEQ**
- 2 We will email you a Subscriber Agreement and Compliance Certification Form. Fill out the Subscriber Agreement and have it notarized. Complete the Air Compliance Certification Form and mail both to ADEQ.**
- 3 We will verify your new account and send an email to confirm that the account has been created and is ready to use.**

Resources

- **ADEQ's Website:**
http://www.azdeq.gov/myDEQ/mydeq_home.html
- **Email myDEQ:**
myDEQ.support@azdeq.gov
- **myDEQ Helpline: 844-827-4768**
- **Customer Account Setup User Guide:**
http://www.azdeq.gov/myDEQ/download/account_user_guide.pdf