RCRA Update

Focus on NYS adoption of EPA Generator Improvements Rule

July 15, 2019
Agenda

- General Overview
- Hazardous Waste Determinations
- Generator Category
- VSQG; and VSQG to LQG consolidation
- Satellite Accumulation Areas
- Labeling
- Small Quantity Generators
- Large Quantity Generators
- 50 Foot Setback
- Preparedness & Prevention
- Quick Reference Guide
- LQG Recordkeeping
- Transportation
- Recyclers
- Episodic Generation
- LQG closure
- Secondary Containment
- Questions and Answers
- How to Comment
Hazardous Waste Generator Improvements Rule (GIR)

(81 FR 85732, Published November 28, 2016)

Effective in non-authorized states May 30, 2017

State modification deadline to adopt more stringent provisions was July 1, 2018 (July 1, 2019 if statutory changes needed)
Generator Improvements Rule

- July 1, 2018 - More stringent provisions enforceable
- More stringent Provisions Include:
  - SQGs and LQGs must re-notify.
  - SGQs and LQGs must indicate the hazards of the contents when labeling containers and tanks.
  - LQG contingency plan quick reference guide.
  - LQG that cannot “clean close” their facility or accumulation unit, must close the unit or facility as a landfill.
Generator Improvements Rule

• Less stringent Provisions:
  • VSQG allowed to send waste to LQG if both are under control of the same person (*Consolidation of VSQG Waste*).
  • VSQGs and SQGs are allowed to conduct episodic events, provided that certain conditions are met.
  • LQGs are allowed to seek a waiver from the 50-foot setback requirement for ignitable or reactive hazardous waste.
Some Key Provisions

- Reorganizes the regulations – less cross-referencing
- Hazardous waste determinations – more explicit, adds recordkeeping for SQGs and LQGs
- Generator Categories – can’t be different categories for acute vs non-acute hazardous waste
- Labeling – hazards of the waste
- Preparedness and Prevention
- LQG Quick Reference Guide to the Contingency Plan
FedReg6 by Part
## General EPA-NYS Crosswalk

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Summary of Major Revisions by Part

Part 370
New definitions – most notable are definitions of VSQG, SQG and LQG (SQG and “acute hazardous waste” are being revised in FedReg5); central accumulation area.
Part 371

- Revising “accumulated speculatively” – require label or other appropriate method indicating first date the material began accumulating in the storage unit.
- “Sham recycling” is defined.
- *Modernizing Ignitable Liquids rule*
- Revising the Definition of P075; sewer ban for HW pharmaceuticals
- DSW Rule exclusions - generator-controlled exclusion; verified recycler exclusion; high-value solvents exclusion; new sections are added to 371 and numbering corresponds with DSW related sections of 40 CFR 261.
- Wipes Rule exclusion(s)
- CO$_2$ streams injected for geological sequestration are conditionally excluded
- Conditional exclusion for airbag waste
Part 372

- Part 372 will be repealed since it needs to be completely reorganized. Replaced and renumbered as 372-1 (analogous to 40 CFR 262) and 372-2 (analogous to 40 CFR 263)
- Subpart 372-1: eManifest, Generator Improvements Rule are the most notable revisions (most of the export-import revisions rule provisions also in this Subpart).
- Subpart 372-2 will correspond to 40 CFR 263.
Subpart 372-1

Section 372-1.1—General
(a) Terms used in this part.
(b) Purpose, scope, and applicability.
(c) Hazardous waste determination and recordkeeping.
(d) Reserved.
(e) Generator category determination.
(f) Conditions for exemption for a very small quantity generator.
(g) Satellite accumulation area regulations for small and large quantity generators.
(h) Conditions for exemption for a small quantity generator that accumulates hazardous waste.
(i) Conditions for exemption for a large quantity generator that accumulates hazardous waste.
(j) EPA identification numbers and re-notification for small quantity generators and large quantity generators.
Subpart 372-1 Continued

Section 372-1.2—The Manifest
Section 372-1.3—Pre-Transport Requirements
Section 372-1.4—Recordkeeping and Reporting
Section 372-1.7—Farmers
Section 372-1.8—Transboundary Movements of Hazardous Waste for Recovery Within the OECD
Section 372-1.11—Academic Labs
Section 372-1.12—Episodic Generation
Section 372-1.13—Preparedness, Prevention, and Emergency Procedures for Large Quantity Generators
Part 373

Subpart 373-1
- Revisions due to Generator Rule – need to change cross-references
- SSA provisions – to reflect new LQG closure requirements

Subparts 373-2 and 373-3
- Most of the revisions are due to changes in cross-references and terminology; e-Manifest Rule provisions
Part 374

Subpart 374-1 (Management of Specific Hazardous Waste)
• Add Subpart P – most of the provisions of the Pharmaceuticals Rule will be here

Subpart 374-2 (Used Oil)
• Change cross references and terminology

Subpart 374-3 (Universal Waste)
• If timing works out, add aerosol cans to universal waste rule;
• Considering addition of paint waste to universal waste rule.
Part 376 – Land Disposal Restrictions

• Conforming changes
Generator Improvements Rule
Definitions

• "Acute hazardous waste" means hazardous wastes that meet the listing criteria in subparagraph 371.2(b)(1)(ii) of this Title and therefore are either listed in subdivision 371.4(b) of this Title with the assigned hazard code of (H) or are listed in paragraph 371.4(d)(5) of this Title.

• “Non-acute hazardous waste” means all hazardous wastes that are not acute hazardous wastes.

“Acute hazardous waste: definition is proposed in FedReg5 (proposed June 12, 2019)
Hazardous Waste Determinations

A person who generates a solid waste, as defined in section 371.1(c)(1) of this Title, must make an **accurate** determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations:

- at the point of waste generation;
- 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 that may change the properties of the waste such that the RCRA classification of the waste may change.
Determination Process

- Is it excluded under 371.1(e);
- Is it listed in 371.4? Must use knowledge of the waste. Acceptable knowledge “may include waste origin, composition, the process producing the waste, feedstock, and other reliable and relevant information.”
- Does it exhibit one or more characteristic?
  - Use knowledge or testing; acceptable knowledge is described;
  - When available knowledge is inadequate to make an accurate determination, must test the waste using a method set forth in the regulations or other method approved by the Department. (In NY, ELAP certified lab);
- Testing, when properly performed, is definitive.
Maintain Records – Analogous to 372.2(c)(1)(iii) and (v)

- Applies to small and large quantity generators;
- Maintain records supporting determinations, including records that identify whether a solid waste is a hazardous waste;
- At least three years from when the waste was last sent for treatment, storage or disposal;
- Records comprise generator’s knowledge and support the determination.
- The periods of record retention are extended automatically during the course of any unresolved enforcement action regarding the regulated activity or as requested by the department.
Other Clarifications

• Generators may manage non hazardous wastes as hazardous wastes if they choose;
• While awaiting test results, generators must manage potential hazardous waste as hazardous waste.
• If a waste is determined to be hazardous, SQGs and LQGs must identify all applicable hazardous waste codes.
• Clarified how mixing of hazardous waste and non-hazardous waste impacts generator category (262.13)
Mixing – VSQGs

Addresses VSQG mixing of hazardous waste and non-hazardous waste:

• If mixture does not exhibit HW characteristics, mixture can exceed VSQG quantity limits;

• If mixture exhibits HW characteristics, mixture is a newly generated waste, and total amount counts towards monthly generation.
Mixing – SQGs and LQGs

- Mixing is a form of dilution “unless the solid waste provides a useful contribution to decharacterizing the waste instead of just diluting” (see 81 FR 85756, 261.13(f));
- Generator can’t dilute as a substitute for effective treatment (LDRs – 268.3(a));
Generator Categories
Farmers

A farmer disposing of waste pesticides from his or her own use which are hazardous wastes is not required to comply with the standards in this part (new Subpart 372-1) or other standards in Parts 373 and 376 of this Title for those wastes provided he or she triple rinses each emptied pesticide container in accordance with 6 NYCRR 325.4 and 371.1(h) and disposes of the pesticide residues on his or her own farm in a manner consistent with 6 NYCRR 325.4(d).

325.4(d)(2)(iii) also references back to 372.1(e)(3)(iv) in current regulations that allows farmers to self-transport waste pesticides to HHW collection facilities if they’re a CESQG.
Definitions

• Very Small Quantity Generator (VSQG) – currently called “Conditionally Exempt Small Quantity Generator (CESQG)
• Small Quantity Generator (SQG)
• Large Quantity Generator (LQG)
• Central Accumulation Area

Generator categories can change from month to month.
Very Small Quantity Generator (VSQG)

A generator who generates less than or equal to following amounts in a calendar month:

• 100 kilograms (220 lbs) of non-acute hazardous waste; and

• 1 kilogram (2.2 lbs) of acute hazardous waste listed in subdivision 371.4(b) or paragraph 371.4(d)(5) of this Title; and

• 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in subdivision 371.4(b) or paragraph 371.4(d)(5) of this Title.
Small Quantity Generator

- "Small quantity generator" is a generator who generates the following amounts in a calendar month:
  (i) Greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2,200 lbs) of non-acute hazardous waste; and
  (ii) Less than or equal to 1 kilogram (2.2 lbs) of acute hazardous waste listed in subdivision 371.4(b) or paragraph 371.4(d)(5) of this Title; and
  (iii) Less than or equal to 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in subdivision 371.4(b) or paragraph 371.4(d)(5) of this Title.
Large Quantity Generator (LQG)

A generator who generates the following amounts in a calendar month:

(i) Greater than 1000 kilograms of non-acute hazardous waste; or

(ii) Greater than 1 kilogram (2.2 lbs) of acute hazardous waste listed in subdivision 371.4(b) or paragraph 371.4(d)(5) of this Title; or

(iii) Greater than 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste listed in subdivision 371.4(b) or paragraph 371.4(d)(5) of this Title.
## Hazardous Waste Counting

**TABLE 1 to 40 CFR § 262.13—Generator Categories Based on Quantity of Waste Generated In A Calendar Month (Source: USEPA)**

<table>
<thead>
<tr>
<th>Quantity of acute hazardous waste generated in a calendar month</th>
<th>Quantity of non-acute hazardous waste generated in a calendar month</th>
<th>Quantity of residues from a cleanup of acute hazardous waste generated in a calendar month</th>
<th>Generator Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>&gt; 1 kg</td>
<td>Any amount</td>
<td>Any amount</td>
<td>LQG</td>
</tr>
<tr>
<td>Any amount</td>
<td>≥ 1,000 kg</td>
<td>Any amount</td>
<td>LQG</td>
</tr>
<tr>
<td>Any amount</td>
<td>Any amount</td>
<td>&gt; 100 kg</td>
<td>LQG</td>
</tr>
<tr>
<td>≤ 1 kg</td>
<td>&gt; 100 kg and &lt; 1,000 kg</td>
<td>≤ 100 kg</td>
<td>SQG</td>
</tr>
<tr>
<td>≤ 1 kg</td>
<td>≤ 100 kg</td>
<td>≤ 100 kg</td>
<td>VSQG (CESQG)</td>
</tr>
</tbody>
</table>
Central Accumulation Area
370.2(b)(#)

“means any on-site hazardous waste accumulation area with hazardous waste accumulating in units subject to either subdivision 372-1.1(h) (for small quantity generators) or 372-1.1(i) of this Title (for large quantity generators). A central accumulation area at an eligible academic entity that chooses to operate under 372-1.11 (40 CFR 262 Subpart K) is also subject to 372-1.11(l) (40 CFR 262.111) when accumulating unwanted material and/or hazardous waste.”
VSQGs
Very Small Quantity Generators (VSQG)

- Adopting new EPA definition of VSQG – can’t be in different categories for acute vs non-acute HW
- Most regulations unchanged;
VSQG Requirements

• Make hazardous waste determination; determine generator category;
• Send the hazardous waste to an authorized facility;
• Ensure delivery – by self-transporting up to 100 kg (220#) in any shipment or using a Part 364 hauler

Two new options:
• Episodic Generation
• VSQG to LQG consolidation
VSQGs – Additional Changes

From the Pharmaceuticals Rule:

- VSQGs may ensure delivery to Reverse Distributors for potentially creditable hazardous waste pharmaceuticals, or
- VSQGs may ensure delivery to a healthcare facility under the same control for hazardous waste pharmaceuticals.
- Landfill prohibition of bulk liquids
# Consolidation of VSQG Waste

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<tr>
<th>Topic</th>
<th>GIR requirements</th>
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<td>Who is exempt from TSDF permitting?</td>
<td>LQGs under control of the same “person”</td>
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<td>Part 360 requirements</td>
<td>Must meet 360 as well</td>
</tr>
<tr>
<td>Notification - LQG</td>
<td>File Notification of Hazardous Waste Activity with EPA (30 days prior to accepting waste)</td>
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<tr>
<td>Labeling - VSQG</td>
<td>VSQGs label the waste as “hazardous waste” and indication of hazards.</td>
</tr>
<tr>
<td>Recordkeeping</td>
<td>LQG maintains records of shipments received from the VSQGs for 3 years</td>
</tr>
<tr>
<td>Accumulation Time Limit at LQG</td>
<td>90 day clock for the VSQG waste begins when waste is received from the VSQG</td>
</tr>
<tr>
<td>Other</td>
<td>Comply with all LQG requirements for that waste and their own generated HW, even if they would otherwise be a VSQG or SQG</td>
</tr>
</tbody>
</table>
Consolidation of VSQG Waste

Possible Changes:

• Adjustment of maximum amount of VSQG hazardous waste which may be self-transported (Part 364 currently allows only 220 lbs.)
• Require the VSQG consolidation notification to include the EPA ID number for any VSQG who has already obtained one.
Satellite Accumulation Areas
Satellite Accumulation Areas (SAAs)

1. Requirements for incompatible wastes – 40 CFR 262.15(a)(3)
2. Additional exceptions to keeping containers closed at all times
3. Clarified what is meant by “remove excess waste from the SAA within 3 days” – means 3 calendar days
4. Providing maximum weight for accumulation of acute hazardous waste in an SAA – 2.2 lbs. for solids
5. Clarified how excess waste may be managed – 40 CFR 262.15(a)(6)
6. Extension of the preparedness, prevention, and emergency procedures provisions for SQGs and LQGs to SAAs
7. Rescinded memo allowing reactive HW to be stored in SAA away from the point of generation
8. Clarified term “Under the Control of the Operator”
New Labeling Requirements

Generator Improvements Rule requires that SQGs and LQGs mark or label with an indication of the hazards of the contents. Options include, but aren’t limited to:

- Hazardous waste characteristic(s)
- DOT hazard communication consistent with 49 CFR 172 Subpart E or F

Includes containers in Satellite Accumulation Areas
Labeling Examples

OSHA HCS Pictograms  DOT Labels  NFPA Chemical Hazard Labels  UN GHS Pictograms  RCRA Characteristics
New Labeling: Where It Applies*

<table>
<thead>
<tr>
<th>Satellite Accumulation Area</th>
<th>SQG</th>
<th>LQG</th>
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<tr>
<td>Containers</td>
<td>Containers</td>
<td>Containers</td>
</tr>
<tr>
<td>Tanks</td>
<td>Tanks</td>
<td></td>
</tr>
<tr>
<td>Containment Buildings</td>
<td>Containment Buildings</td>
<td>Containment Buildings</td>
</tr>
</tbody>
</table>

*Also applies to VSQG waste, if operating under consolidation provisions
SQG
Requirements
Small Quantity Generators

EPA clarified regulations about SQGs with respect to drip pads and containment buildings:

• Must comply with the technical standards of Subparts W and DD, but otherwise comply with SQG regulations;
• Clarified that VSQGs may accumulate on drip pads if they comply with 40 CFR part 265 subpart W;

Less stringent provision – states don’t have to adopt;
Drip pads are used for accumulation of wastes from certain industries.
SQG Preparedness and Planning

- Emergency planning and preparedness requirements apply where hazardous waste is being generated or accumulated at the generator’s site—including points of generation, satellite accumulation areas, and central accumulation areas (90-day areas).
- May determine the most appropriate locations for emergency equipment, when it is not possible or unsafe to have the equipment located immediately next to the generating equipment.
- “Immediate access” definition includes “direct or unimpeded access.”
- Relevant emergency response information should be posted next to the telephone.
- SQGs may use contractors to address releases.
- One-Plan is still applicable for generators under multiple statutes.
SQG Arrangements With Emergency Responders

• Document that they have attempted to make arrangements with local responders, and keep the records;
• Large facilities with internal response capabilities may seek a waiver from arrangements with local authorities;
• More flexibility with respect to form or type of documentation, and where documentation can be retained.
Recordkeeping and Reporting – SQGs

• Episodic events;
• Tanks – demonstrate tank is emptied every 180 days;
• Arrangements with local authorities – maintain in operating record;
Demonstrating Tanks are Emptied Every 180 Days

- May use logs, monitoring equipment or other records;
- Regulations address both batch and continuous flow processes;
- Records kept on site, readily available for inspection.
Reporting

SQG re-notification:

• Renotify starting in 2021, and every four years;
• By September 1st of that year;
• Use EPA Form 8700-12;
• States may allow electronic reporting;
• States may require more frequent re-notification.
LQGs
New Options

• LQG consolidation of VSQG waste;
• Variance from 50’ setback for ignitable and reactive hazardous waste
• Taking comment on potential additions:
  ▪ Submit proof of written approval to DEC
  ▪ Require written approval from insurance underwriter
• Clarifies that Personnel Training may be use computer-based tools;
• LQGs can use an emergency telephone number (instead of employees’ personal numbers), and position title, if staffed at all times;
LQG Preparedness and Prevention

- Emergency planning and preparedness requirements apply where hazardous waste is being generated or accumulated at the generator’s site—includes points of generation, satellite accumulation areas, and central accumulation areas (90-day areas);
- May determine the most appropriate locations for emergency equipment, when it is not possible or unsafe to have the equipment located immediately next to the generating equipment;
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Arrangements with Emergency Responders

- Document that they have attempted to make arrangements with local responders, and keep the records;
- Large facilities with internal response capabilities may seek a waiver from arrangements with local authorities;
- More flexibility with respect to form or type of documentation, and where documentation can be retained.
Quick Reference Guide (QRG)

Regulatory References

- Federal: 40 CFR 262.262(a)
- New York State: 6 NYCRR Part 372-1.13 (new citation)

Background

- Proposed initially to be an Executive Summary to all regulated and prescribed Contingency Plans
- Intent was to Assist Emergency Responders
- Requires eight information elements
Quick Reference Guide

Eight Information Elements

1. The types and names of the hazardous wastes on site and their hazard in layman’s terms
2. An estimated maximum amount of each hazardous waste on site at any one time;
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, and schools;
6. The location of the water supply;
7. Information about any on-site notification systems to communicate with people at the facility; and
8. The name of an emergency coordinator available at any time.
Quick Reference Guide

Submission Requirements

• New LQGs must submit the quick reference guide when they submit their contingency plan to local emergency responders.

• An LQG in operation when the regulations went into effect on May 30, 2017, must submit a QRG at the time they next submit a revised contingency plan to local responders due to other necessary revisions (40 CFR 262.262(b)).

• SQGs are not required to have QRGs, but are strongly encouraged to develop QRG which may assist in meeting other requirements such as coordinating with local emergency responders and hospitals as well as certain Spill Prevention, Control, and Countermeasure (SPCC) Plans.
Quick Reference Guide

Granularity Concerns

• Laymen’s terms used to describe present wastes and associated hazards.
• Map with enough detail to describe emergency ingress and egress routes.
• Satellite Accumulation Areas are accounted for in QRG.
• What level of facility changes trigger the resubmission of the QRG (and/or Contingency Plan)?
  • When the requirements change because the applicable regulations are revised;
  • When the plan fails in an emergency;
  • When the generator facility changes in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency;
• When the list of emergency coordinators changes; or
• When the list of emergency equipment changes.
Recordkeeping – LQGs

- VSQG consolidation – records of shipments from VSQG;
- Tanks – demonstrate tank is emptied every 90 days;
- Arrangements with local authorities – maintain in operating record;
- Closure of waste accumulation area;
- 50-foot waiver;
- Arrangements with local authorities;
Demonstrating Tanks are Emptied Every 90 Days

• May use logs, monitoring equipment or other records;
• Regulations address both batch and continuous flow processes;
• Records kept on site, readily available for inspection.
Reporting – LQGs

- LQGs receiving waste from VSQGs:
  - Notify EPA or state; includes VSQG locations;
  - Episodic Generation;
  - Biennial Reporting (annual reporting in NYS)
    - Updates what information must be reported;
    - LQGs must identify all hazardous waste generated in the year, not just months when they were an LQG;
    - Facilities not storing hazardous waste prior to recycling must report this waste;
  - Closure;
Transportation
Pre-Transport Requirements

SQGs and LQGs must identify and mark hazardous waste codes on containers prior to sending the waste off-site;

EPA clarifies that the generator may use labels, or a nationally recognized electronic system (such as bar coding)
Transporters: Consolidating Waste

- When consolidating the contents of two or more containers of the same hazardous waste or two different hazardous wastes that are compatible into a new container, Transporters must mark the containers of 119 gallons or less with the words “Hazardous Waste” and the applicable hazardous waste codes;
- Transporters can also use nationally recognized electronic system, like barcoding in compliance with 40 CFR 262.32(c) to indicate the applicable hazardous waste codes.
Transporters: Possible Changes to Part 364

Used Oil

- No permit or registration to self-transport up to 55 gal (same as current)
- Part 364 registration to transport 55 - 275 gal (new)
- Part 364 permit to transport more than 275 gal (new)
Recyclers
Annual Reporting

• Facilities that do not store prior to recycling will now be required to file an Annual Report – 40 CFR 261.6(c)(2)(iv)
Episodic Generation
Episodic Generation: Summary

- Provisions can be used by VSQGs or SQGs;
- Two types of events: planned and unplanned
- Notification: 30 days before planned, within 72 hrs. of unplanned;
- One event per year. Can petition for second of the other type;
- Duration: starts first day of generation, and all waste must be gone within 60 days of the start;
- Labeling “Episodic Hazardous Waste,” with date that the event started, identify the hazard for the waste;
- Records retention: 3 years.
Episodic Generation: Issues

• Notification – to DEC as well as EPA; when for unplanned;
• Distinguishing between normal and episodic generation;
• Clarifying how soon Site ID form must be submitted for unplanned event;
• Clarifying what happens if event lasts longer than 60 days;
• Outreach – non-traditional generators may not even know they have hazardous waste;
• Additional Issues:
  ▪ Documentation needed for fees/annual reports
  ▪ Sole-source aquifer considerations
Additional NYS Requirements

• Use a Part 364 permitted waste transporter to ship waste generated from event

• File an Annual Report if amount of waste generated from event plus amount generated during the rest of the calendar year ≥15 tons
Episodic Generation: Issues

- Notification – to DEC as well as EPA; when for unplanned
- Distinguishing between normal and episodic generation
- Clarifying what happens if event lasts longer than 60 days
- Outreach – non-traditional generators may not even know they have hazardous waste
- Additional Issues:
  - Documentation needed for fees/annual reports
  - Sole-source aquifer considerations
LQG Closure
Closure

• New notification requirements;
• Explicitly requires LQGs that accumulate hazardous waste in containers to close as a landfill if they can’t meet the closure performance standard;
• Clarifies that closure does not apply to satellite accumulation areas.
Closure Notifications

- **Waste Accumulation Units** – must place notice in operating record within 30 days of closure or meet applicable closure performance standards and notify EPA Region 2.

- **Facilities**
  - Must notify EPA Region 2 using Form 8700-12 at least 30 days prior to closure.
  - Must notify EPA Region 2 using Form 8700-12 within 90 days of closure; must clean close or has to close as landfill.
## Closure Requirements

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<tr>
<th></th>
<th>DEC SSA</th>
<th>EPA</th>
</tr>
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<tbody>
<tr>
<td><strong>Notification</strong></td>
<td>45 days (final closure – what about unit closure?)</td>
<td>EPA (unit – operating record or notification to EPA within 30 days of closing the unit; facility – 30 days)</td>
</tr>
<tr>
<td><strong>Public Notice</strong></td>
<td><strong>Yes</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>Certification</strong></td>
<td>w/in 60 days of partial or final closure, <strong>PE Cert</strong></td>
<td>EPA 90 days (is this just full closure?) – Site ID form</td>
</tr>
<tr>
<td><strong>Date on which they expect to begin closure</strong></td>
<td>within 30 days; or 1 year if reasonable expectation of receiving more waste</td>
<td>Seems to say within 30 days</td>
</tr>
<tr>
<td><strong>Date to remove final volume of hazardous waste</strong></td>
<td>Within 90 days after receiving the final volume of hazardous wastes, or the final volume of nonhazardous wastes if the owner or operator complies with all applicable requirements in paragraphs (4) and (5) of this subdivision, at a hazardous waste management unit or facility, or within 90 days after approval of the closure plan, whichever is later</td>
<td>Seems to say within 90 days; the request for extension of time language seems to match ours</td>
</tr>
<tr>
<td><strong>Closure performance standard</strong></td>
<td><em>same</em></td>
<td>Same; If can’t close clean, must close as a landfill</td>
</tr>
<tr>
<td><strong>Written closure plan</strong></td>
<td><strong>Maintained onsite, furnished upon request</strong></td>
<td>No</td>
</tr>
</tbody>
</table>
Closure

• Require facilities to notify both EPA and DEC when submitting notifications of closure for units and facility?
• Apply SSA closure requirements statewide to all LQGs?
Secondary Containment
Sole Source Aquifers

- List of sole-source aquifers is out of date
- Delineation of aquifers in definitions is confusing
- Updated map of NYS aquifers on next slide
Sole Source Aquifers Map: DEC vs. EPA
Primary and Sole Source Aquifers Map
Primary and Principal Aquifers Map

Primary and Principal Aquifers in New York State
Update Secondary Containment Requirements

- Storage of liquid hazardous waste in quantities greater than 185 gallons;
- Phase-in time?
  - By volume that can be stored;
  - By time;
  - By priority;
Questions and Answers
How to Comment

Submit written comments:

• Email: HWregs@dec.ny.gov (Include "Comments on Regulatory Initiatives" in the subject line of the email) or

• Mail: Michelle Ching; Division of Materials Management; NYSDEC; 625 Broadway, Albany, NY 12233-7256
Further Assistance

- Email: HWRegs@dec.ny.gov
- Phone: (518) 402-8651

On DEC’s website:
https://www.dec.ny.gov/regulations/117108.html