

Steps in Complying with Regulations for Hazardous Waste

Identify

Identify each hazardous waste generated. In Title 40 of the Code of Federal Regulations (CFR) Section 261.3 describes the hazardous waste identification regulatory program. In turn, 40 CFR section 262.11 describes the process a person must follow to determine if the solid waste they generated, as defined at 40 CFR section 261.2, is a hazardous waste.

Count

Sum the total weight of all hazardous wastes that should be counted (See 40 CFR §262.13(c) and (d)) and self-determine as one of three generator categories:

- Large Quantity Generators (LQGs) generate 1,000 kilograms (about 2,200 lbs.) or more per month of hazardous waste, more than one kilogram per month of acutely hazardous waste, or more than 100 kilograms per month of acute spill residue or soil.
- Small Quantity Generators (SQGs) generate more than 100 kilograms, but less than 1,000 kilograms, of hazardous waste per month.
- Very Small Quantity Generators (VSQGs) generate 100 kilograms or less per month of hazardous waste, or one kilogram or less per month of acutely hazardous waste, or less than 100 kilograms per month of acute spill residue or soil.

Notify

LQGs and SQGs are required to notify EPA (or their state agency if the state is authorized to operate its own hazardous waste program) of their hazardous waste activities. Some states also require VSQGs to notify. SQGs and LQGs must do so using Form 8700-12:

Manage

Manage the hazardous waste according to the specific regulations associated with each generator category. Certain waste types and business sectors have unique requirements:

Transport

A manifest is required of any LQG or SQG that transports, or offers for transport, a hazardous waste off-site. The Hazardous Waste Manifest System website provides the forms, reports, and procedures designed to track hazardous waste from the generator facility where it is produced to the off-site waste management facility that will store, treat, or dispose of it.

Recycle - Treat - Dispose

Generally, small and large quantity generators may recycle their hazardous waste on-site without a permit provided they comply with the waste accumulation time limits and other waste accumulation regulations specified in 40 CFR §§262.15-17. In addition, a generator may treat their hazardous waste on-site in a generator accumulation unit (e.g., tank or container) without a hazardous waste permit to render it either non-hazardous or less hazardous, provided they comply with all of the applicable hazardous waste generator requirements in 40 CFR §§262.15-17, and provided that the treatment is not thermal treatment. Otherwise, treatment and disposal of the hazardous waste is subject to the hazardous waste Treatment, Storage, and Disposal Facility (TSDF) regulations of 40 CFR parts 264 and 265 and the permitting regulations of 40 CFR part 270.

If a VSQG exceeds its accumulation quantity limit, or if an SQG or LQG fails to comply with any one of the conditions for exemption at 40 CFR §§262.15-17, then that generator is operating without a permit or without interim status. Interim status is the period during which an owner or operator of an existing treatment, storage, or disposal facility is treated as having been issued a RCRA permit even though he or she has not yet received a final determination on their permit.

Questions? Contact The Redstone Group at 614-763-5034 x7007 or jwilliams@redstonegrp.com