



# 2019 REGULATORY FOCUS GROUP

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HAZARDOUS WASTE REGULATIONS

# HAZARDOUS AND SOLID WASTE STAKEHOLDER MEETING

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- Purpose: To gather input and provide advance notification to stakeholders of possible future regulatory changes.
- This meeting is to:
  - Provide a broad outline of potential changes to Hazardous Waste Regulations
  - To get stakeholder input on issues we are considering
  - To consider input to other changes
- This meeting will not:
  - Be your last opportunity to comment
  - Result in any formal response to comments by the Department- these discussions are informal

# AGENDA

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- Adoption of Federal Pharmaceutical Rule
- Generator Improvement Rule and Definition of Solid Waste Issues
- E-manifest adoption
- Other

# PHARMACEUTICAL RULE

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- 266 Subpart P- April 21, 2019
- [https://clu-in.org/conf/tio/HazWastePharmaceuticals\\_040219/](https://clu-in.org/conf/tio/HazWastePharmaceuticals_040219/)
- Less stringent provisions take effect upon state adoption
- More stringent provisions in effect now.
- Our intention is to incorporate the rule in its entirety without changes.

# NICOTINE LISTING

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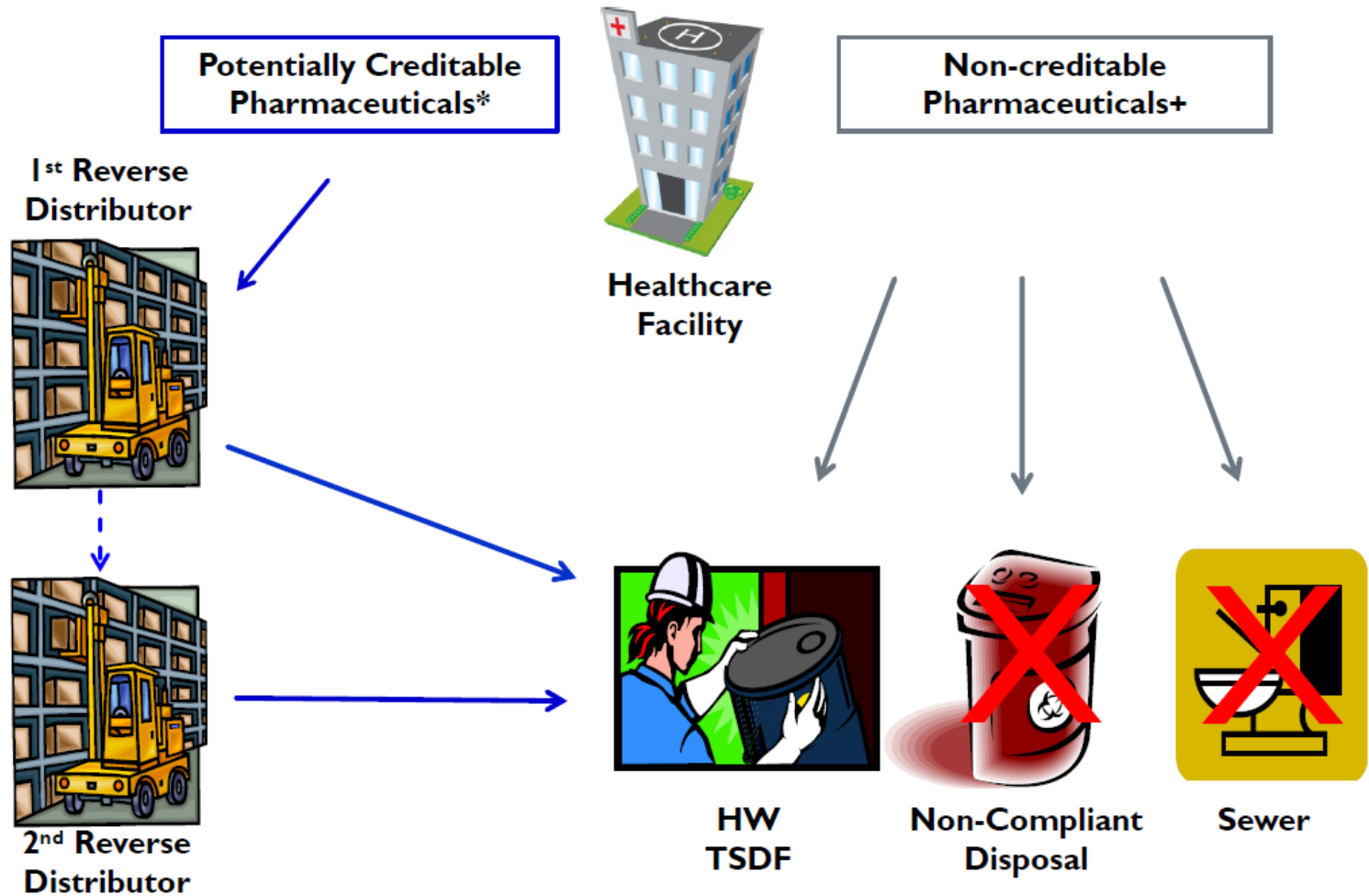
- P075 listing no longer applies to nicotine gum, lozenges and patches



- P075 applies to vaping, pesticides, sprays, inhalers



# Reverse Distribution of Rx HW Pharmaceuticals From USEPA



\* Unsold/unused pharmaceuticals that have a reasonable expectation of receiving credit from the manufacturer  
+ Pharmaceuticals with no reasonable expectation of receiving credit from the manufacturer

# SEWER PROHIBITION (MORE STRINGENT)

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- Hazardous waste pharmaceuticals may not be disposed to a POTW (sewer) or Onsite wastewater Treatment System (e.g., no disposal down the drain and no flushing)
- The sewer prohibition applies to All healthcare facilities, including CESQG
- Hazardous wastes that are **DEA controlled substances** are also subject to the sewer prohibition
- EPA strongly discourages disposal of any pharmaceuticals to a POTW or OWTS by any entity

# LISTING OF CHEMOTHERAPY WASTE

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1.5(A)(82)(a)(3)(CC) of our Hazardous Waste Regulations defines hazardous waste to include items that:

*Contains chemotherapy agents that are antineoplastic or cytotoxic, including but not limited to drugs listed by the United States Center for disease control in the National Institute of Occupational Safety and Health list of Antineoplastic and Other Hazardous Drugs (<http://www.cdc.gov/niosh/docs/2012-150/pdfs/2012-150.pdf>) incorporated by reference herein, not including any further amendments or editions thereof.*

Does this create confusion? Conflict with Pharm Rule?



# GENERATOR IMPROVEMENT RULE

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- Adopted by USEPA November 28, 2016
- Contains some more stringent provisions, less stringent provisions and clarifications
- RIDEM has not adopted them as of this time
- More stringent provisions can be enforced by USEPA.
- Less stringent provisions only take effect if adopted by RIDEM

# MANDATORY (MORE STRINGENT) PROVISIONS IN GENERATOR IMPROVEMENT RULE

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- Re-notification every 4 years by SQG (9-2021)
- No Incompatible wastes in the same containers at a satellite accumulation area.
- Satellite accumulation areas subject to emergency preparedness and prevention
- Labels on waste containers, tanks, etc. must identify the hazards of wastes
- RCRA waste codes (e.g., F006, D001) must be marked on the waste container prior to shipment
- Generator must notify EPA when preparing to close and when closure is complete.
- If LQG cannot meet standards to clean close, it closes as landfill.
- If generator is LQG any month, must complete Biennial Report for entire year
- Recyclers that do not store prior to recycling must submit Biennial Report.
- LQGs must submit Quick Reference Guides for contingency plans to local responders.

# LESS STRINGENT PROVISIONS

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- Episodic Generation without need to notify and report as LQG. One planned event and one unplanned event per year, requires reporting to RIDEM
- LQGs can accept waste from very small quantity generators under the control of the same person for consolidation at the LQG
- LQGs that cannot meet the requirement to store ignitable or reactive waste 15 meters from the property line to get a waiver from the local Fire Department

# NEW & REVISED DEFINITIONS

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## 40 CFR 260.10

- Acute & Non-Acute hazardous waste
- Central Accumulation Area (CAA) – Formerly referred to as 90/180 Accumulation
- Generator Categories (LQG/SQG/VSQG)
- Revision to 260.11 to change title and add references

# REVISION TO § 262

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- Identifies conditions of exemption and independent requirements for each Generator category
- Indicates that HW must be sent to a designated facility
- Independent Requirements
  - Hazardous Waste Determinations (made at POG, record keeping required)
  - Counting and HW Generator Categories (clarifications on method and frequency)
  - Mixtures (clarification for VSQG mixing SW & HW, if characteristic then HW.)  
(Mixing vs Dilution)
  - Marking and Labeling (Indicate the hazards posed by the waste)



# SATELLITE ACCUMULATION AREAS (SAA)

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- SAA described in its own section - §262.15
- Prohibits mixing of incompatible HW in a satellite container
- Allows containers to remain open temporarily under limited circumstances
- Provides maximum weight of 1 Kg for acute HW (at SAAs)
- Clarifies that “three day” grace period means three calendar days
- Rescinds memo allowing reactive HW to be stored away from POG
- Requires label to include hazards posed by waste at SAA
- Preamble clarifies “Under Control of Operator”

# VERY SMALL QUANTITY GENERATORS

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- RI's current regulations (CESQG) are more stringent than CFR
  - Notification required
  - Contingency/Emergency Postings
  - 365 day Accumulation time limit
  - Disposal at designated HW facilities required
- EPA's regulations remain mostly the same but moved to 262.14
- Accumulation of Acute/Non-Acute HW above certain amounts additional requirements apply (LQG or SQG standards)
- New Flexibility
  - Episodic Generation i/a/w §262.230
  - Consolidation at an LQG under the same company (under control of the same person)

# SMALL QUANTITY GENERATORS

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- Also allowed Episodic Generation i/a/w §262.230 (Requires Site ID Form reporting event)
- Required to Re-Notify every four years beginning 2021 (MyRCRAid is active in RI)
- SQG requirements otherwise the same but moved to new sections
- Required to indicate hazards posed by HW on labels
- Required to maintain Required (Emergency) Equipment at CAAs and SAAs
- RIDEM's current regulations are more stringent
  - EPA regulations allow SQGs to store HW drip pads and containment buildings, RIDEM prohibits activity
  - RIDEM's labeling requirements are more stringent (EPA Id No., Generator name & address in CAAs)
  - RIDEM requires minimum of 2 feet of Aisle Space in container storage areas
  - Containers of ignitable waste stored >50 ft from property line
  - Personnel Training required by SQGs



# LARGE QUANTITY GENERATORS

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- Allows use of computer based tools for online training
  - RIDEM currently requires training to include information on State Regulations
- LQG requirements otherwise the same but moved to new sections
- Required to indicate hazards posed by HW on labels
- Preparedness, Prevention and Emergency Procedures moved to §262.250
  - Requirements apply SAA and CAA
  - Quick Reference Guide required for Contingency Plans

# CP - QUICK REFERENCE GUIDE

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- Contents of the Quick Reference Guide (eight elements)
  - Types/names of hazardous waste and associated hazards
  - Estimated maximum amounts of hazardous wastes
  - Hazardous wastes requiring unique/special treatment
  - Map showing where hazardous wastes are generated, accumulated or treated at the facility
  - Map of facility and surroundings to identify routes of access and evacuation
  - Location of water supply
  - Identification of on-site notification systems
  - Name of emergency coordinator(s) or listed staffed position(s) and 7/24-hour emergency telephone number(s)

# EMERGENCY PREPAREDNESS AND PLANNING

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- One-Plan still applies for generators subject to multiple statutes
- Documentation of arrangements with local emergency responders
  - Changed to require record showing generator “attempted” to make arrangements
  - No specific form or type of record but must be retained in operating record
- LQGs can eliminate employee personal information from CP and provide an emergency number (staffed at all times) and position title where applicable
- LQGs with internal response capabilities may seek waiver from arrangements with local authorities (FD, State Fire Marshall)

# CLOSURE - §262.17(A)(8)

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- Consolidates closure standards in one place
- Requires LQGs to notify EPA or the implementing state when closing a facility and/or accumulation unit
- Requires LQGs accumulating hazardous wastes in containers to close as a landfill if unable to meet closure performance standards (i.e., they can't clean close)
- Clarifies that closure does not apply to SAAs

# CLOSURE NOTIFICATION

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- Requires LQGs to notify EPA or state when closing a facility via Site ID form
  - 30 days **prior** to closing facility and
  - 90 days **after** closing facility to certify that they met closure performance standards
  - Extension requests must be submitted within 75 days after closing
- Provides option of LQG closing waste accumulation unit to:
  - Place a notice in operating record within 30 days **after** closing waste accumulation unit and address closure when facility closes (notice can be removed from the operating record if unit going back into service),  
OR
  - Notify EPA or state they have met closure performance standards for their waste accumulation units
    - ❖ 90 days **after** closure via Site ID form 8700-12

# NEW RECORDKEEPING REQUIREMENTS

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- Episodic generation – maintain record for 3 years
- ▫VSQG consolidation – LQG required to keep records of shipments from VSQG for 3 years
- ▫Tanks – may use logs, monitoring equipment to show HW removed w/in 90/180 days
- ▫Closure – maintain information of closed waste accumulation unit(s) in operating record
- ▫50-foot waiver – maintain in operating record
- ▫Arrangements with local authorities – maintain in operating record

# NEW REPORTING REQUIREMENTS

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- SQG Re-notification (Site ID form)
- LQGs receiving wastes from VSQGs under control of same company (Site ID form & GM form of BR)
- Episodic generation (Site ID form)
- Biennial Reporting for Facilities Not Storing (VWR form of BR)
- Closure –facility and/or waste accumulation units (Site ID form)
- Quick response guide (Summary of contingency plan)

# EPA RESOURCES

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- Generator Improvements Rule website:

<https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>

- FAQs for implementing the new rule:

<https://www.epa.gov/hwgenerators/frequent-questions-about-implementing-hazardous-waste-generator-improvements-final-rule>

- MyRCRAID Registration: <https://rcrainfo.epa.gov/rcrainfoprod/>



# E-MANIFEST

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# KEY CHANGES ASSOCIATED WITH E-MANIFEST

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- Uniform effective date in all states June 30, 2018
- Once e-Manifest becomes effective, states may not collect copies of the manifest from the designated or receiving facility. Instead, states will have access to the manifest data in the e-Manifest system.
- States may continue to collect paper copies of generators' manifest
- Fees collected from TSDF's
- Pre-emption of state requirements makes adoption a foregone conclusion

# PCB WASTE

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- Suggestion has been made by National Grid to eliminate R007 listing for PCB's under Hazardous Waste Regulations as it is separately regulated under TSCA.
- National grid manages all waste as subject to regulation under both programs.
- If this was not part of our program, would RIDEM be able to enforce violations?

# OTHER ISSUES? MORE INFORMATION

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## REGULATORY PROMULGATION

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