Overview of New EPA & DEEP Rules

Hazardous Waste Advisory Committee
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About Your Presenter

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• 28 years with the DEEP’s Hazardous Waste Program

• Permitting → Enforcement → Regulatory Analysis & Compliance Assurance.
Rules We Will Be Discussing Today

• EPA Hazardous Waste Generator Improvements Final Rule.
• Revisions to EPA Hazardous Waste Import/Export Rules.
• Proposed TSCA Amendments Regarding Certain Used of TCE.
• Proposed DEEP Adoption of EPA’s Solvent-Contaminated Wipes Rule.
• EPA E-Manifest Rule and State Manifest Update.
EPA Hazardous Waste Generator Improvements Rule

• Proposed Rule published on 9/25/2015.
• DEEP submitted comments on the proposal on 12/23/2015.
  • Copy available on request or at www.regulations.gov.
• Effective Date: 5/30/2017.
• Not affected by Trump Administration “rule freezes.”
Applicability in CT

• The rule does not go into effect in Authorized States until the states formally adopt them.
  • True for both less-stringent and more-stringent provisions.
• Adoption of the rule in CT would require a change to the State’s Hazardous Waste Management Regulations.
• DEEP does not anticipate such a change in the near future.
Overview of Key Elements of the Rule

• Reorganization of the HW Generator Requirements.
• Consolidation of VSQG waste at LQG sites owned by same company.
• Waiver of 50-foot buffer zone requirement.
• New Episodic Generator Requirements.
• Emergency Preparedness and Planning.
• Hazardous Waste Determinations.
• Marking and Labeling
Overview, Continued

- Reporting and Recordkeeping.
- Satellite Accumulation Areas.
- Closure.
- Drip pads and containment buildings.
- Clarifications, corrections, etc.
Reorganization

• To make the generator requirements to make them more user-friendly and easier to understand. In particular:
  • New section on how to determine generator status (new §262.13).
  • CESQG (now VSQG) requirements relocated so as to be with SQG and LQG requirements (new §262.14).
  • Separate Section for Satellite Accumulation Areas (new §262.15).
  • Separate Sections for SQGs and LQGs (new §§262.16 and 262.17).
VSQG Waste Consolidation

- Allows VSQG waste to be consolidated at an LQG site under the control of the same “person” (e.g., company).
- Waste would have to be marked and labeled, but not manifested.
- LQG site would have to notify for this activity (EPA Form 8700-12).
- Recordkeeping for each shipment received at the LQG site.
- Managed as LQG waste at LQG site.
- Include in LQG Biennial Report.
Waiver of 50-Foot Buffer Zone

• Former rules required ignitable and reactive wastes to be stored at least 50 feet from any facility property line.

• In some cases, compliance with this requirement is impossible.
  • Example: urban site less than 100 feet wide.

• New rules allow the generator to obtain a waiver from the local fire official.
New Episodic Generation Rules

• Under old rules, episodic generation could “bump up” a CESQG’s or SQG’s category and increase applicable HW requirements.

• New rules allow generators to maintain their existing category provided they comply with certain requirements for episodic generation events.
  • Requirements are different for VSQGs and SQGs.
  • Maximum of one planned and one unplanned event per year.
Emergency Preparedness and Planning

- LQGs must document attempts to make arrangements with local authorities (e.g., letters).
- LQGs required to add a Contingency Plan “Quick Reference Guide.”
- Clarified that EP&P requirements apply only to areas where HW is accumulated (includes satellite accumulation areas).
- Clarified that generators may use contractors for spill response.
HW Determinations

• Must be accurate and made at the point of generation.
• Clarified use of “knowledge of process.”
• Recordkeeping requirements moved from §262.40 to §262.11.
Marking and Labeling

- In addition to “HW,” container marking/labeling must also indicate the hazards of the contents.
  - Similar to CT requirement to mark with “description of contents.”
- Generators must mark containers with EPA Waste Codes prior to shipping them off-site.
Recordkeeping & Reporting

- Re-notification by SQGs every 4 years (beginning in 2021).
- Biennial Report:
  - LQGs must report all waste generated during the reporting year.
  - Permit-exempt recycling facilities required to report.
Satellite Accumulation Areas

- Wastes must be compatible with each other and container.
- Maximum weight in addition to volume for acutely hazardous wastes (1 kg/1quart).
- Clarified that “three days” means three consecutive calendar days.
- Subject to same marking and labeling requirements as discussed earlier.
Generator Closure

- LQG container storage areas that cannot be clean-closed must be closed in accordance with the requirements for landfills.
  - Already required for HW tanks.
- LQGs must place a notice in their files at least 30 days prior to closing an accumulation area.
- LQGs must notify EPA or the authorized state within 90 days after closure of the entire facility.
Drip Pads and Containment Buildings

• Clarified that SQGs may accumulate waste in these units, provided they comply with subparts W and DD, respectively.

• SQGs are limited to an accumulation time of 90 days in these units.
HW Generator Improvement Rule Resources

• EPA HW Generator Improvements Final Rule Web Page:
  www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements

• EPA FAQ Page:

• EPA PowerPoint Presentation:
  https://clu-in.org/conf/tio/hwgenerators/
EPA Hazardous Waste Import/Export Rule Revisions

• Old rules were not adequately tracking or controlling import and exports.
• Reduce complexity/increase clarity and efficiency of imports and exports.
• Harmonize RCRA requirements with other import/export requirements & facilitate an electronic paperwork process.
• Old 40 CFR 262, Subparts E and F replaced with a modified Subpart H.
Overview of New Provisions

- HW Exporters and “Recognized Traders” now required to notify and obtain an EPA ID Number.
- New manifest and shipping document requirements.
- Only EPA administers import/export requirements.
- As a result, these requirements are in effect even though CT has not adopted them into our regulations.
Revised Import/Export Rule Resources

• EPA HW Import/Export Rule Revisions Page:
  www.epa.gov/hwgenerators/final-rule-hazardous-waste-export-import-revisions
EPA Proposed Rules
Banning Certain Uses of TCE

• Proposed Rules issued 12/16/2016 and 1/19/2017.
• Comment Period for both rules extended to 4/19/2017.
• EPA Proposing to ban the use of trichloroethylene (TCE) in:
  • Vapor degreasing;
  • Aerosol degreasing products; and,
  • Dry-cleaning spot cleaners.
Proposed TSCA TCE Rule Resources

• EPA TCE Fact Sheet:
  www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-trichloroethylene-tce

• Assessing and Managing Chemicals under TSCA – TCE Page:
  www.epa.gov/assessing-and-managing-chemicals-under-tsca/trichloroethylene-tce
DEEP Proposal to Adopt the EPA Solvent-Contaminated Wipes Rule

- Allows reduced regulation of wipers contaminated with certain solvents:
  - F001-F005 listed spent solvents or corresponding “U” or “P” solvents;
  - Characteristically hazardous solvents that are listed in Part 261; and,
  - Ignitable solvents (i.e., flash point below 140 °F).
- Does not apply to solvents that are hazardous for any other reason.
- Applies to both launderable and disposable wipes.
- Applies to cloth, paper, non-woven wipes (but not items other than wipes).
Overview of DEEP Proposed Rule

- Launderable wipes exempt from regulation as HW if sent to a rag laundry in accordance with specified CWA requirements.
- Disposable wipes (except TCE wipes) exempt from regulation as HW if sent to:
  - An in-state or out-of-state incinerator/combustion facility that is in compliance with specified permitting requirements; or,
  - An out-of-state LF or incinerator/combustion facility operating under the receiving state’s requirements.
- Packaging, marking, dating requirements.
Overview, Continued

• 180-day accumulation time limit.
• Requirements re “free liquids.”
  • To be exempt from HW requirements, wipes cannot contain free liquids.
  • Any free liquids that accumulate after generation must be managed as HW.
• Recordkeeping requirements.
• Comments due by 3/6/2017.
• Comments can be submitted electronically via CT eRegulations website.
Wipes Rule Resources

• EPA Solvent-Contaminated Wipes Rule Page:
  www.epa.gov/hwgenerators/final-rule-2013-conditional-exclusions-solid-waste-and-
  hazardous-waste-solvent

• CT eRegulations page for DEEP’s Adoption of the EPA Rule:
  https://eregulations.ct.gov/eRegsPortal/Search/RMRView/PR2016-045
Federal E-Manifest Rule Update

• Purpose: to make cradle-to-grave tracking more electronic and create a national database for manifest information.

• EPA says the system will go on line in Spring 2018.

• Date could be affected by new administration, funding issues, etc.

• Information resources:
  
DEEP Manifest Scanning Project

- Will include all manifests back to 1981.
  - Includes 1981-1983 manifests that were not in prior databases.
  - Also includes ~60,000 manifests recently recovered in storage.

- Hoping to have project completed by end of 2018.

- Will be available only at DEEP at first (via FileNet).

- FileNet may become available on-line in some form at a later date.
Manifest Data on CT Open Data Portal

- Some DEEP manifest data currently available through CT Open Data Portal.
- Allows on-line access to manifest data for manifests from 1984-2008.
- Does not include newer scanned manifests (only available at DEEP).
- Can search data online or download and search off-line.

Questions?