Transcript of *Hazardous Waste Generator Improvements Final Rule*

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https://clu-in.org/conf/tio/hwgenerators_113016/

And officially welcome everyone to today's internet seminar on the Hazardous Waste Generator Improvement Final Rule, which has been sponsored by the EPA Office of Resource Conservation and Recovery. My name is Jean Balent. I come to you from EPA's Technology Innovation In-field Services Division where I'll be serving as a technical moderator in the background for today's live broadcast.

In just a moment I'll turn things over to your presenters to kick off the broadcast, but before that, I'd like to walk through a series of basic instructions so that everyone understands how our webinar will function. When you registered for today's live broadcast, most of you have received information on how to participate.

If you were on the waitlist and got a spot for today's session, you should have received a confirmation and reminder e-mail within the last 24 hours that had all of the instructions you'll need to join us for today. That e-mail will ultimately point you to something known as the Seminar Homepage. On the homepage you can read more about the broadcast. You'll find tabs with information for our presenters, the materials, related resources, even a link to provide feedback after today's live broadcast.

For now, though, to join us for the live session you'll need to click a button on that page labeled "Join webinar." Once you click that button you will be asked to identify yourself by name, as well as the number of people at your location so that you can be successfully checked in to join us for today's live broadcast in Adobe Connect. By default, all information will be presented through Adobe Connect, and you can actually sit back and watch and listen in real-time through Adobe using your computer speakers.

If you have technical problems and are unable to join us through Adobe Connect, you may download the presentation and simply follow along by phone. By default, everyone is given the option to listen to the audio through their computers, again, with a pair of headphones or speakers. If you do not have access or cannot get that online audio to work, we do have a limited number of toll free call-in lines. If you need that call-in information, you can request it at any time using the Q&A window, which appears on the lower right corner of your screen. Just know, regardless of your method of listening, you are in a listen-only mode, which means you can hear us but we cannot hear you.

As I alluded to earlier, there is a question-and-answer window, which appears in the lower right corner of your screen. You should use that window to privately submit your comments and questions, as well as to report technical problems for today's webinar. To submit an answer -- or pardon me -- submit a question or comment, simply click on the empty box at the bottom of that window. You can type of your message and then hit the "Enter" key. We have moderators in the background who will be monitoring that question box. And at a designated break, we will stop and read through as many questions as we can in the time allotted so they can be verbally addressed by our presenters.

We will be holding questions, again, until we get to those designated breaks. You don't need to wait for a break for questions. You can submit your questions at any time. But, again, we're going to wait for specific breaks to then read them out loud, and we'll try to get through as many as we can in the time that we have allotted today.

Today's session is being recorded. I know a number of you have expressed interest in playing it back or sharing it with colleagues. As soon as that recording is available, you will automatically receive an e-mail where you can follow the instructions to replay the broadcast on demand and you'll be invited to share that with those that will find that of interest.

When we close out things today, I'll provide instructions on accessing materials, providing feedback, as well as how to access a certificate for participating today. Visually on the screen you will see a large window that looks something like this on the left-hand side where you can view the presentation materials in real time. Below that, on the bottom half of your screen, you should see live closed captioning for those of you who require it. And then in the far right corner you'll find information about our organizers and presenters as we go throughout the different talks today. On the middle right of your screen you will see a collection of related URLs. These are all interactive hyperlinks. You can click on any one of those links and then press the "Browse to" button to open up those windows or websites locally on your computer. And then, as noted, that interactive Q&A window should appear in the lower right of your screen where you can privately submit your comments and questions.

So, again, a number of you have noted some echo. I'm going to be working with those of you to resolve that issue now. And with that, I'm going to go ahead and get ready to turn things over to one of your first presenters to introduce today's talk, and that's Jim O'Leary from the EPA Office of Resource Conversation and Recovery. Jim, if you'd like to help introduce our topic today, we'll get started.

Thanks, Jean. And everybody, thanks for tuning in. Again, I'm Jim O'Leary, and presenting with me today are Kathy Lett and MaryBeth Sheridan. Kristin Fitzgerald is also here, and she'll be helping us, reviewing and organizing any questions that you may have. There appears to be a lot of interest in this rule, based on the number of individuals who registered. We've already added a third public webinar. And considering this rule could potentially affect over 600,000 generators, we can understand why there's a lot of interest in this rule.

As you will see, we have a lot to cover. This effort really began with us asking our management back in 2004 the simple question shouldn't we find out whether the Hazardous Waste Generator regulatory program is working or not? At that time, we had 25 years of experience, but we had very little systematic analysis of the program. In a way, this rule is a culmination of that question. We'd like to think that this rule will improve compliance and also offer opportunities for greater flexibility on the part of generators.

There's over 60 changes to the program, some small, some large. We think that this rule is basically -- you have to look at this rule as where the sum of the parts is greater than the whole. Only when you really step back, you see everything that's in this rule. So with that, I'm going to turn it over to Kathy Lett, who will take over the presentation.

Hi everyone. This is Kathy. We want to start with a couple points about questions. As Jean mentioned, we are accepting questions on the rule that we're going to address after our presentation. To make that Q&A session most efficient, we want to note the following guidelines: one, please make the context of your question clear. We're going to be answering the questions after we talk about all the topics, so if you include a slide number or a topic name in your question, that would be very useful for us so that we can make sure we answer the right question.

Also, in order to make the session most useful for all participants, we're not going to be able to address very site specific or very detailed questions in this forum. I just wanted to make everyone aware of that. Our contact information is available to you all and you can use that for more specific questions after the presentation.

We also want to mention that we are going to be developing a FAQ for our website as part of our implementation of the rule, and we'll use that to continue to address questions.

As Jim mentioned, we have a lot to cover today. This is an overview of our presentation. We're going to start with some brief context and background and then we're going to run through the revised provisions. So we're approaching the provision here generally in the order that a generator might encounter when going through the regulations. But I did want to note that the presentation focuses on the recent revisions in the rule that was just published, and it's really not meant to cover the whole generator program. We're just going to talk about the changes.

First, just a brief background and some context. What is the Resource Conversation and Recovery Act? It was enacted by Congress in 1976, and it regulates solid waste, hazardous wastes, and underground storage tanks. The goals of RCRA, they are to protect human health and the environment, to conserve energy and to reduce the amount of waste generated.

Today, with the generator rule, we're talking about hazardous waste, so that is rather than municipal trash or industrial solid waste that aren't hazardous. Likewise, with the rule today we're not talking about household hazardous waste. This rule makes no changes to that exemption. I just wanted to make that clear from the get-go.

There are several facets to the Hazardous Waste Program. This rule, like I said, it focuses on the generator program, so the waste generators and their requirements.

Within the generator regulations there are three categories; generator size, and that's based on how much hazardous waste the site generates per month. These are very small quantity generators, small quantity generators, and large quantity generators. As a part of these revisions, we codified the names of the generator categories, which has long been used unofficially. And those you can find in 260.10, which is definitions.

And in addition to that, we changed the name of the smallest category to very small quantity generator from the somewhat confusing conditionally exempt small quantity generator moniker as it used to be. This category is for generators that generate less than a hundred kilograms of hazardous waste per month. Small quantity generators are between a hundred and a thousand kilograms per month, and large quantity generators are for over a thousand kilograms per month. And as the categories get bigger the requirements change and they get more stringent for those handling more waste.

We've also included, in addition to that basic RCRA information, a couple slides on the history of the project for your information. But we do know that you really called in today for the details of the final rule and not for the history of the rulemaking. So all I really want to say is that the changes we're talking about, as Jim mentioned, they come out of many years of implementing the program and several program evaluations and collections of public comment from the generators, as well as the states that implement the rules and others. So we do want to thank you if you're participated in that over the years, as we've gotten many comments on our program, and we've used a lot of them in the rulemaking. I'm just going to flip through those slides. They're there if you need them later for anything.

As you may have seen, the rule was published on Monday in the Federal Register. It will go into effect federally on May 30th. And at that point, it's going to be implemented in Iowa and Alaska and the Territories, and Tribal lands. Authorized states run the program in their own states. They will have to pick up the more stringent parts of the rule, but they will have the choice to pick up the less stringent parts. And the deadline for picking up the more stringent parts is July 1st of 2018, or one year later if legislative action must be taken.

This is just a general list of what in the rule is more stringent and what is less stringent, and we just put it here for reference after talking about the effective date. But we are going to be talking in detail about all these provisions later.

I also want to mention the estimated size of the generator universe to whom the regulations apply. So, as you can see, this is estimated for the very small quantity generators and the small quantity generators. Large quantity generators have reporting every two years, and that results in more exact data on their numbers. But as you can tell, the vast majority of the generators are VSQGs, and that's followed by the SQGs and then the LQGs. But nonetheless the LQGs are the ones that generate the most hazardous waste in volume.

The goals of the final rule are to fulfill RCRA's larger goal of protecting human health and the environment from dangers of hazardous waste. But also to incorporate the suggestions that we've heard over the years to make the program work better. So each revised provision is tied to either the

reorganization of the regulations to be more user friendly, to providing some greater flexibility to the generators, to closing gaps in the regulations, or to clarifying ambiguous or confusing provisions.

I'm going to start with the reorganization. So we've heard over many years that the structure of the federal generator regulation is hard to follow, particularly section 262.34, in that it alternates sections for LQGs and SQGs and kind of throws the regulations for satellite accumulation areas in the middle of that. So in this rule we reorganized some into a more logical structure that moves the SQGs and counting into part 262 with the other generator regulations, and as a whole, the structure will more easily absorb any future changes.

So, specifically, if you look at the table, regulations about generator categories, those move from 261.5, which will no longer exist. We're going to reserve that. Those are going to move into 262.13. Then we'll have the VSQG provisions also moving from 261.5, and those move into 262.14. Satellite accumulation area provisions, those move from where they are now in 262.34(c) into their own section 262.15. SQG provisions move from 262.34 into 262.16, and then the LQG provisions move into 262.17.

So, as you can see, each generator category under the reorganization gets its own section of the regulations, and that's going to make it easier for the generator to locate those regulations and figure out what applies to them. All it needs to know is what its category is to see the regulations, so not to parse through 262.34.

Some states have already made revisions along these lines, but we do know there are going to be some challenges to adjusting. We're doing that here too. And in the long run we really believe that the improved reorganization is going to be better for understanding the regulations, it's going to be better for implementing the regulations by everybody, and we are committed to doing what we can to ease the change.

Speaking of the organization of the regs, as I said earlier, we are going to go through the revisions in this presentation in the general order that a generator might go through the process of complying with them. As we all know, being a RCRA generator starts with the hazardous waste determination, so I'm going to turn it back over to Jim to talk about that.

Thanks, Kathy. So let's talk about one of the provisions that we proposed, which was basically requiring SQGs and LQGs to document their nonhazardous waste determinations, or solid waste that are not hazardous waste. We proposed to do this because of the concern we had with the high rate of noncompliance, with generators being unable to make an accurate hazardous waste determination. You know, we talk about some studies that we did. We found non-compliant rates ranges from 10 to 30%. It depends on how you slice and dice the data. But no matter how you look at it, it's a pretty large percentage of noncompliance.

And the reasons, you know, for this vary. From what we found out, the reasons vary from not understanding RCRA and not even being aware of RCRA. We spent some time with EPA and regional inspectors on this, and often they mentioned the situation they run into where they would go in to inspect a facility and they would find the drum with no label on it, and they start asking questions of the generator, and all of a sudden the more questions they asked the more concerns they had that that solid waste really was a hazardous waste. And so, because of this, because it's so critical, this waste determination provision is so critical to the success of the program, we recommended that we propose to require such documentation.

To be honest with you, you know, this is one of the more controversial provisions we proposed and we did not finalize it. We did not finalize it, I guess, primarily for three reasons, and three reasons really stand out. One, we underestimated the impact or burden such a requirement would impose. Two, many commenters felt that confusion would result no matter how clear we tried to be in preamble as to what types of material this provision would apply to. Hence, they felt they would end up or be forced to document every waste determination, even if it was not even a solid waste. Three, some commenters

suggested a better and more effective method might be for EPA and the states to do additional training and outreach in this area.

I'll throw in my own thoughts about this because I have been involved with this for the last several years. In many instances I really believe that generators did not have the necessary processes and procedures in place to make an accurate hazardous waste determination. I think if they had these procedures, it would help an awful lot in terms of, you know, being able to make an accurate hazardous waste determination.

So the bottom line here is that we did not go final with this provision. I'm sure there's a lot of relief based on the comments that we heard. Let's turn to slide 18 now; okay? However, we did finalize several clarifications to improve program efficiency and effectiveness with respect to hazardous waste determinations. The first one here, which is probably really the most important, and I want to really read this to you, because it's really critical. "We confirmed that a generator's hazardous waste determination must be accurate and made at its point of generation before any dilution, mixing or alteration and at any time during the course of management for wastes potentially exhibiting a hazardous waste characteristic."

I mention this because this is really the heart and soul. It begins right here in terms of making an accurate hazardous waste determination. There's three things here that I'll emphasize. You gotta to be accurate. You gotta to get it right, guys; okay? I know there's some concerns about using this term, but we really need to emphasize that you have to do your best to get an accurate hazardous waste determination.

In fact, it’s at the point generation that you make this determination, okay, before any dilution, mixing, or alteration, and third -- and there was some comment about this too, as well -- any time during the course of management of waste potentially exhibiting a hazardous waste characteristic, you know, generators have to be aware. It doesn't always happen, but it happens where determination is made where it's not hazardous, and then you look further on down when you're accumulating, or maybe even if you sent the waste offsite and it just so happens it's exhibiting a hazardous waste characteristic. So generators have to pay attention to those, to the properties of the waste and be aware of what they're dealing with.

So a second area here, okay, is we explain more fully how generators can use generator knowledge and testing to make hazardous waste determinations. If you compare the before and after, the existing or preexisting regs with the regs now, we go into explaining what we mean by knowledge, what types of knowledge can be used. We go into, with this regulation, you know, what you have to do in terms of preparing for a test, getting a representative sample, what test you can use, whether it be EPA sanction, whether you want to call it that under Section 846, or a non-RCRA type of testing.

We explain more completely in the regs how a generator should evaluate its waste for hazardous waste characteristics. We copy waste determination recordkeeping requirements from 240 -- 262.40 into 262.11 to make sure everything is there in one place. We want to have everything there in one place. And finally, we require SQGs and LQGs to identify and mark RCRA waste codes on containers -- and I'll emphasize this -- prior to sending the waste offsite, first for provision 262.32. And we'll talk about this further in a few minutes.

So with that, I'll run back to Kathy here.

So after the waste determination, the generator has to count its hazardous waste to determine if it's a VSQG, an SQG, or an LQG. Section 262.13, it’s a new section in the regs, and it draws mostly from the language in the old 261.5, which, as I mentioned before, will be gone. So this section does a few things. One is that it clarifies some conflicting guidance that we had out before, by stating that a generator can only have one generator category in a month rather than operating in separate categories for its acute waste and non-acute waste, and counting them separately and then operating as two different sizes of generator for the various kinds of waste. So we talk about this quite a bit in the preamble, but having

one category per month per generator just makes straightforward sense. And we've finalized that in this rule.

The section also addresses mixtures of hazardous waste and non-hazardous waste, also moved from 261.5, and it gives some steps for counting. So it walks a generator, probably, you know, this is aimed at the less sophisticated generator someone who hasn't necessarily already figured this out, and it walks through some steps for how you would count to comply with determining your generator status. Finally, it includes this table in the regulation, and that lays out the categories in a visual way, rather than just in the 260.10 definition.

The next section of the regulations is another new section, 262.14, and that is for VSQGs. MaryBeth is going to talk about the first set of revisions for the VSQGs.

Okay, like Kathy mentioned earlier, this is the old conditionally exempt small quantity generators, and we changed the terms to be more clear, that these are the very smallest generators, and they still have very limited requirements, which were into 261.5, and they're now in the new section, 262.14. So we didn't change any of the things that they were required to do, but we added two provisions that allow them more flexibility.

One is consolidation at an LQG under the same company, which I'm going to explain next, and then the second one is some provisions for episodic generation, which Kathy will go over. So VSQG consolidation, the issue, until now, is that some companies, larger companies and utilities, military companies, things like that, wanted to be able to consolidate their waste from their own VSQG site but the RCRA regulations did not allow that. People have been asking us this for many years, so we went ahead and proposed, and we did get a vast majority of supportive comments.

So basically the idea is that it reduces the liability for the company if they can manage all of their waste properly as hazardous waste. It's environmentally beneficial because in the end you get the waste sent to RCRA TSDFs, which are more protective than other options. And so when they get flexibility and, hopefully, some economies of scale, and in the end the environment is better protected.

So the final provision, we did limit it to LQGs and VSQGs under the control of the same person. So basically the same company. And for those of you who are familiar with the definition of solid waste exclusions, these are the same terms that we used in the DSW under the control of the generator exclusion. Person is defined in RCRA in 260.10, so that's the same person, and then control means that that person has the power to direct policies at the facility. So as long as they're under the control of the same person, the VSGQ waste can be sent to the LQG. And it does not have to be manifested and it does not have to go by hazardous waste transporter.

The VSQG, all they have to do is they have to mark and label their containers with the words "hazardous waste," and the hazards of the contents, the hazards of the contents of the container, which Jim will talk about this in a little bit. It's similar to the marking and labeling throughout this rule.

And then the LQG does have to do a few things. They have to notify the state using the site ID form, which is the standard RCRA form to get an EPA ID number. And we will be revising that form to account for all of the changes in this final rule. We expect the form will be updated by the time the rule is effective, which is late spring 2017, and we'll be ready to discuss the changes further at that time. But this is one thing they will have to do. The LQG that participates in this consolidation program, they will have to notify the state using that form, and they'll have to identify the VSQGs that are also participating.

A couple other conditions at the LQG, they'll have to keep records of each shipment, and those can be, you know, normal business records, bills of lading, or whatever they use. Once the waste gets to the LQG, they have to manage it as LQG hazardous waste. So, you know, they can store it for 90 days. They have to do all the labeling. They have to treat it under their contingency plan, all the things they do for their normal hazardous waste. And then they ensure that it gets to the final disposal at the RCRA TSDF.

The last thing the LQG will have to do is they'll report that waste on their biennial report. So they're already doing the biennial report. This will be a separate category for the different source codes. So they will be able to distinguish it from the VSQG waste from their own LQG-generated waste. That's the basics of the consolidation provision. And now Kathy is going to talk about the other VSQG provisions.

Yeah. Thanks. The episodic generation provision it's another area flexibility, and it affects both VSQGs and SQGs. So the problem here is that occasionally these smaller generators, they have an event, which we call an episodic event, in which they generate more than the limit for their category in a calendar month. So this could be something planned like a tank cleanout, or it could be unplanned like upset conditions or spill. We talk a little bit more about that in our written preamble.

But the upshot is that for that short period the regulations previously would require that the VSQG or the SQG has to comply with the requirements for the higher category for the month where they generated more. So we've heard many times, again, that this is a challenge for those smaller generators, and these revisions are meant to address that.

So what we're finalizing here is in many ways as we proposed, but if you are familiar with the proposal you're going to see a few changes here. Basically the final provision, it allows generators to maintain their existing category, provided they comply with a streamlined set of requirements. So VSQG would basically stay a VSQG, but they would have to do a couple of extra things. Same thing with an SQG.

The generator can have one event per calendar year, and they have the ability to petition for a second event. You'll want to note that if the first event is a planned event, then the petition for the second event must be an unplanned event, and the opposite also. So if the first event is unplanned, the second would have to be planned. This part of the provision is one way that EPA is put into it so that outside generation can't be abused by a generator that really should be operating in the higher category all the time.

So the generator also has to notify EPA or the state, if you're an authorized state, at least 30 days prior to initiating a planned episodic event, or since you can't notify prior to an unplanned event, within 72 hours after that unplanned event, and that would also be using the site ID form. And then the generator has to conclude the episodic event within 60 days. So that includes all the generation of the hazardous waste, as well as getting it offsite.

As far as the management standards, again, they are much as we proposed. So the streamlined requirements for the very small quantity generators would be obtaining a RCRA identification number. Using the hazardous waste manifest and a hazardous transporter to send episodic waste to a RCRA-designated facility; managing the episodic waste in a manner that minimizes possibility of an accident or release; labeling; identifying an emergency coordinator, and maintaining records.

The SQGs need to comply with their existing SQG regulations, and they need to maintain records associated with the episodic events. I'm going to turn it back to Jim now to discuss marketing and labeling.

Thanks, Kathy. So here's another area that sort of really cuts across much of the whole hazardous waste program, and that's marking and labeling. Basically when you have a hazardous waste container or tank, it could be located in generator satellite accumulation areas, central accumulation areas, transfer facilities, consolidation facilities, you know, TSDFs. So the whole issue of marking and labeling just cuts across the whole ball here.

The issue or the problem that we're trying to address really has to do with what the risks are; okay, associated with the contents of the container. Generators have to mark their containers and tanks with the words "hazardous waste." But why is it a hazardous waste, you know, what's in the container that makes it a hazardous waste, and more specifically what are the risks? Are the wastes ignitable, corrosive, reactive, toxic? And people need to know that. I mean this is really all about risk

communication and improving risk communication. And so, you know, different types of individuals, you know, workers, handlers, emergency responders, waste handlers, even visitors, you know, may be exposed or potentially come into contact with these containers, and, you know, I would think you would believe and hope and also that people should know what the risks are associated with the contents of those containers.

So on slide 28 we basically, in the final rule, require generators to basically identify or label the hazards of the contents of their containers, and we provide flexibility in terms of how they can do it. You can see on the slide here there are four ways. There can be other ways. But we mentioned, you know, using a DOT hazard communication or placard, and OSHA hazard statement or pictogram; a National Fire Protection Agency or Association Chemical Hazard label; or even a RCRA characteristic label. They can use any of these four or anything that's sort of nationally recognized.

For drip pads and containment buildings, when it comes to drip pads, really, what it gets down to is, is that, you know, once they remove the waste from the drip plan, they usually put the waste in the container, so, you know, that provision will be taken care of in terms of what the labeling is. For containment buildings they can use records or logs near the accumulation unit to identify what the risks are associated with that.

We think this is pretty straightforward. I mean if you think about it, you know, many generators or most generators have to send their waste offsite. That means they have to comply with DOT regulations. As part of that, they have to have DOT label. What we're suggesting is one option when you put that label on, you can do it instead of doing pre-transport, you can do it when you're accumulating the waste onsite. And we don't think that's a difficult thing to do. Obviously if you're generating your waste and managing it onsite, you may not want to use a DOT hazard label. You could use an OSHA label or an NFPA label, whatever it may be, that, you know, identifies the risk or the appropriate risk. And so, you know, we don't think this is a difficult thing to do. We think it's really worthwhile and will improve risk communications.

I will mention here the last bullet here, labels are not required to include the identity of the contents of the container as proposed. You know, in the comments that we reviewed, many of you put out the fact that this is something that's more site specific. You know, generators use their own sort of terminology. It may be in a different language in some cases and so, you know, we heard those comments and we yield to those comments and just focused in on what's the most important area here to improve risk communication, and that was to basically, you know, have labels that identify the risk associated with the contents of the container.

So on to slide 30 here -- I'm sorry -- slide 29. I can't count. So when it comes to another issue, okay, or area in terms of mark and labeling, generators often do not identify, or do not always identify the specific RCRA waste codes associated with the hazardous waste in the container. As a result, TSDFs may not know, you know, what the waste is in terms of how to treat those wastes to land restriction requirements. What we're proposing or what we finalized -- I'm sorry -- is that prior to sending a hazardous waste offsite to a TSDF, generators must mark their containers with the applicable RCRA waste codes or use a nationally recognized electronic system such as a bar coding system that performs the same function.

In the comments that we received, particularly from the waste management industry, they bought up the fact that in the 21st century we're using electronic systems like barcoding systems that profile the waste that they receive as part of that profiling system, and it often includes the waste codes. And so, you know, from those comments we sort of agreed that, yes, that makes sense. So if a generator doesn't use a barcoding system, they're going to have to mark their containers with the applicable RCRA waste codes. But if, in fact, they are using a barcoding system, they can do that as well. So we're giving generators the option or the flexibility in terms of how they meet this -- you know, how they identify the RCRA waste codes. So that's another area that I think improves things in terms of risk communication, as well as fostering better compliance.

On slide 30, I wanted to mention the whole area of tanks. The issue is how does a generator accumulating hazardous waste in tanks demonstrate that the tank has been emptied or turned over from first entering that tank? This issue goes back to almost 1986 in the SQG regulations when this issue was brought up. And we actually responded to this in a RCRA memo several years ago now. And we basically said, look, you know, there's ways that you can do this. You can use inventory logs, monitoring equipment, or other appropriate records that demonstrate, whether it be for a batch process or a continuous slow process, that the tank has been emptied either 90 days or 180 days, or in the context of continuous slow processes, you can estimate the volumes of hazardous waste entering the tank daily and exiting the tank 90 or 180 days after that, and basically show through mathematics, whatever it may be, methodology or, again, monitoring equipment or simple records that, you know, there's been a turnover in the amount of hazardous waste that was accumulated in that tank.

Or conversely when it comes to batch presses that you can show that the tank has been emptied every 90 or 180 days. So I just wanted to highlight that. That's just a clarification. But we wanted to make you aware of that. We have had comments about this in the comments to the proposed rule.

So I'll stop there and move on to slide 31. Slides 31 and 32 basically, here's a quick summary, okay, of the SQG regulations on slide 31 we summarize revisions that for which SQGs are affected. They're right here in front of you. Before we discussed waste identification, counting, marking and labeling and episodic generation. Okay, still to come is emergency response, drip pads and containment buildings, and SQG re-notification.

On slide 32, again, here's a summary of all the provisions associated with LQGs. We discussed several of them, just like we have for SQGs. What still remains is emergency response, biennial reporting, closure, and the 50-foot waiver. And also -- I forgot to mention this, it's an oversight on my part probably -- is satellite accumulation areas as well. So we have that provision also to discuss as well too.

So on to slide 33. And I have that one too. So SQG re-notification, so here's the problem, the problem is, is that we don't have a really good idea of how many SQGs are out there. The ways the rules were previously, you notified once and that was it. And so, really, if we looked at our database, and we have looked at our database, we had a universe of like 140,000 SQGs, some dating back to 1980s. Some, actually, to the first year of the program. And so what it gets down to for programmatic purposes, whether it be for inspections, just oversight, just understanding what's going on out there, you know, we needed a better sense of how many SQGs we have out there. And so we proposed that SQGs re-notify every two years. We examined the comments. We got a lot of good comments back. Made sense in terms of what they were suggesting.

And so in the final rule, we're requiring SQGs to notify just every four years unless states have more frequent re-notification requirements, in which case, for those states, there's no further notification that has to be done. We allow for an electronic reporting option or as an option. We have a RCRA site ID up there that we're urging the states to use, which is electronic reporting form. If you use it, it will take you just five minutes to complete it.

What we're doing, based on comments, is we're waiting until 2021 to implement the rule or to have it go into effect. This will give states time to update their reporting forms and just get ready to implement it. Because our estimate of SQG universe, I think, is between 46,000 and 60,000 generators. That's about three times as many LQGs. What we're doing is we're also trying to help the states in terms of capacity, as well as generators in terms of, you know, just pushing back from two years to every four years in terms of when they have to notify. But, anyway, so, again, what we're trying to do is to get a better estimate of the SQG universe out there, and so we finalized it in this manner.

And so I think then slide 34, drip pads and containment buildings, sorry about that, in the rules, in the previous rules, okay, when it came to drip pads and containment buildings, the regulations only addressed LQGs and TSDFs. It didn't address SQGs who might be accumulating hazardous waste on drip pads or in containment buildings. So, therefore, what it got down to is if you were a SQG accumulating waste on drip pads or containment buildings you had to comply with the LQG

requirements, the full plethora of LQG requirements, yet you were still generating and accumulating SQG quantities of hazardous waste. So what we're doing here is just being consistent.

If you're an SQG accumulating hazardous waste on drip pads or in containment buildings, you just have to comply with the necessary or the appropriate SQG requirements. And so as you can see, you have to comply with subpart W if you're accumulating hazardous waste on drip pads, comply with subpart DD if you're accumulating hazardous waste in containment buildings, and comply with and meet all the conditions associated with 262.16, which basically is associated with SQGs accumulating hazardous waste in all of these units. So what we're going to do is just have some measure of consistency here.

So hopefully it's my turn to pass it on. Kathy, is it your turn?

Yeah. We're turning now to emergency preparedness and planning, and we're talking about it here because these requirements, they apply to both SQGs and LQGs, so in varying degrees. We made several changes in this area. In some places to improve the connections between the generators and their local responders, but also to clarify regulations and to add flexibility.

So, to start off with, regarding making and documenting arrangements with local emergency responders, the problem here was that although the previous regulations, they required generators to attempt to make arrangements with the local responders regarding the waste that are handled onsite, and that's in order to help the responders prepare for a potential emergency. But there was no requirement to document that the arrangements had been made. There was only requirement to document if the local responders, if they declined to enter into the arrangement. So this made it difficult for any party to verify that this step had been completed.

And so in the final rule we say that generators they must document that they attempted to make arrangements with the local emergency responders, and to keep that documentation in the operating record. However, no specific form, no specific type of documentation is required, and there's some flexibility about where that documentation can be retained. For instance, if you're an LQG and you have it in your contingency plan what your arrangements are, then that's your documentation. So there's not a specific type of documentation there.

We're also finalizing a provision for LQGs to put together a quick reference guide for the most important parts of their contingency plan at the moment of a first response. So the contingency plans that LQGs submit to the emergency responders, they're lengthy. But what we've is that at the time of the emergency the responders want quick access to the most important information in the plan, and they want to be able to access that so they can have an effective response.

What the final rule does is it requires new LQGs that are submitting contingency plans to include the quick reference guide that contains that most important information. And then it requires existing LQGs to complete this step when they otherwise update their contingency plans. So existing LQGs aren't going to have to do this right away, but when they do update their contingency plan, they have to include the quick reference guide. So, as I said, the quick reference guide is going to contain the information that's most critical for a response.

However, we didn't want to create a big extra step to do this, and we don't think it is a big extra step, because it can be easily created just by compiling items that are already in that contingency plan, compiling them together either by cutting and pasting, or even by photocopying. The eight elements that have to be included are the types and names of hazardous waste and the hazards of those wastes; the estimated maximum amount of hazardous waste; any waste that's going to require unique or special treatment; a map showing where the hazardous wastes are generated and where they're accumulated or treated, so a map that identifies basically anywhere where hazardous waste are expected to be found; a map of the facility in the surrounding location of water supply; identification of onsite notification systems that can be used; and also the name of an emergency coordinator. So these are the things that we think that the emergency responders, and what we heard from them, that they are going to need.

We proposed this revision using the term "executive summary," but we do think that the quick reference guide more accurately describes the nature of the provision, and that we believe it's going to get critical site information more easily into the hands of first responders in the event of an emergency, which is something that's good for everyone.

We've also listed here a variety of other smaller revisions to emergency preparedness and planning. I'm not going to read them all in the interest of our time, but I do want to mention the third bullet. So we finalized the statement that the scope of the contingency planning and emergency procedures. It applies to the areas of the facility where hazardous wastes are being accumulated, including the points of generation and the SAAs, and not to the whole facility. Likely the other parts of the facility that are going to be covered by other statutes. As far as the other items on this slide, we are available to answer questions on them, but they're fairly minor changes.

MaryBeth is going to address another provision now that's also relevant to LQGs.

Okay. This was something we proposed and we ended up finalizing. It allows LQGs to request a waiver to what we call the 50-foot requirement. So if the LQG has containers with ignitable or reactive waste, previously they had to be located at least 50 feet from the facility's property line. And what we've heard over the years is that, especially in urban areas, this can be difficult. So with this rule, we have put in the regs, a waiver provision, where the LQG can approach whoever has authority over the fire code in their area, so either the fire marshal or the fire department, and they can request a waiver, and that authority would have the ability to review it and make sure they think it's protective and then grant the waiver if they agree. And I just want to note that this is only for LQGs. We proposed extending it to TSDFs, but decided that the permitting process was the better avenue for TSDFs to approach this problem.

Okay. Now back to Jim for closure. And this also affects just LQGs only. When it comes to the closure, the area of closure, there's two problems that we addressed. One was a gap and one was a lack of knowledge or understanding in terms of lack of information in terms of what was going on there.

So with respect to the gap, the way the existing rules are, LQGs accumulating hazardous waste in tanks, drip pads, and in containment buildings are required to close the landfill if they cannot clean close or meet the prescribed closure performance standards that were found in 265.111 to 114, that are now rolled into to 262.17 LQGs. But for LQGs, accumulating hazardous waste in containers, there's no requirement for that. Yet, the problem, or potential problem is, is that most generators accumulate hazardous waste in containers.

What we found in doing sort of a damage-case analysis is that in many cases, there were LQGs accumulating hazardous waste in containers who basically abandoned their facilities, only to require Superfund removal action, and, again, sometimes these removal actions caused millions of dollars to clean up. So, you know, that's sort of a problem I think we tried to take on.

The second area is that we just don't know when a facility closes, because, you know, we just don't know. There's no notification required. So facilities you can just walk away. And so the whole idea in the proposed rule was to address these problems. And so on slide 41, in the final rule we required closure as a landfill if LQGs accumulating hazardous waste in containers failed to clean close. Now I know there was, you know, some critical comment on this area, and all I can say, all we can say is that if you're an LQG, all you have to do is manage your waste safely and this will not be problem. You'll clean close and you won't have to worry about closing as a landfill.

And in talking to some of the regions through the years, it's very rare that a facility fails to meet the clean closure requirements; okay? But we want it there to make people aware of the fact that for those accumulating hazardous waste containers, they also have an obligation to clean close.

When it comes to notification, there's two areas here, or two parts of the puzzle here. There's closure of a waste accumulation area, and we had a lot of good comments on that. But what we're finalizing is we're requiring LQGs to place a notice in their operating record within 30 days after closure, identifying

the location of the unit within the facility. So in other words, you don't have to notify EPA or the state; okay? Or, conversely, if you choose to do so, you can basically clean close, meet the closure performance standards, and notify EPA that you did; okay?

The other option, which is the one that we get a lot of good comments on, which we adhere to and finalize this way is that you can basically just notify when you close your facility; okay? You know, basically there's two parts of this. Notify EPA no later than 30 days prior to closing the facility; okay, so it gives us a head's up in terms of you are getting ready to close, and then the second part is notify EPA or your authorized state within 90 days after closing the facility so that, basically, you've complied with the closure performance standards and that you have clean closed.

And, likewise, you know, just the ability to request an extension if, in fact, you need more time to close, as we state here, just notify us within 75 days after closing the facility if you need more time, and we just have to believe that. The state or EPA will give you that time to close. So that's closure.

On slide 42, we'll switch gears here. Let's talk about reporting, in particular biennial report. The biennial report is really important to the EPA and the states to understand what is going on out there in terms of the quantities of hazardous waste being generated and how they're being managed. You know, we use this for purposes of program management, for inspections, for program evaluations, for writing rules, for capacity assurance. There's all types of reasons why we use this information.

And the BR rules go back -- the biennial report rules go back to 1985. And since then we've identified problems, which are identified here. We have an inconsistency between the data element found in the BR regulations versus the instructions for completing the BR. If you compare -- if you examine the rule, there are data elements that haven't required in terms of being reported in a dozen years, maybe even more; okay. What we rely on or what we ask the generators, the LQGs in particular, since this is strictly for LQGs, is to follow the instructions and complete the forms associated with the data elements in both the GM form for generation and management and for the waste received form for TSDFs.

Okay, another problem is the inconsistency between what we say in the Federal Register and what we say in the BR instructions as to what wastes to report. There's an old FR notice, and it goes back to 1982 and 1983 where we said just notify for the months you're an LQG, whereas with our BR instructions, which almost all states adhere to, and therefore almost all generators, we basically ask you to complete the biennial report for all the waste that you generated for the calendar year, even for the month that you were not an LQG.

And last but not least, there's a gap here that we are closing, and that has to do with the facilities that do not store prior to recycling. They just didn't have to report. And our dilemma is, is that there could be recycling facilities out there that are taking large amounts of hazardous waste who do not store and we don't know anything about them, and we'd like to be able to know what they're doing and whether, in fact, if they're managing that waste properly and their legitimately recycling. So what we do on slide 43, we basically try to close these gaps.

So what we do, in the first bullet here, instead of identifying the specific data elements to be reported, what we're going to do is just refer generators directly to the forms and instructions, and so that way we'll always be up to date. There was some comments about, you know, how will we know when you're asking for new additional information. There's a process. There's an information collection request process. We go through OMB. We issue Federal Register notices. What we'll do also, you know, is put this information on our website to make you aware of the fact that we might be changing -- you know, we'll tell you the elements that we're collecting.

With respect to what hazardous waste that has to be generated in a report that's generated and managed, we had proposed a different process. Based on comments that we received, we're maintaining the old process. Generators will report the waste that they generate and manage onsite. And for LQGs that generate and manage or ship the waste offsite, they can continue to use the same process and follow the same instructions that previously existed.

We were alerted, particularly by the waste management industry, and also by some generators that there's a process in place. We are able to capture the 12 months of hazardous waste, 12 months of data being generated -- I'm sorry. Let me just rephrase this. We will be able to maintain the ability to capture 12 months of data in terms of the types of and quantities of hazardous waste being generated and managed. So basically it's the status quo.

And likewise, you know, the last bullet here, LQGs must report hazardous waste generated throughout the calendar year, not just for the months that you're an SQG or even a VSQG. We want to -- we need to be able to understand -- just get a complete picture of how much hazardous waste is being generated and how it's being managed. So we're requiring LQGs to report all of the hazardous waste that they generate, not just for the months that they are an LQG. And, again, there's only two or three states that we're aware of where this is not happening, and so it's just really closing a gap for all intents and purposes. In other words, this shouldn't be a big impact.

Last but not least we're going to close that gap. We're going to require facilities that did not store prior to recycling to report into the biennial report. We need to understand what's going on out there in terms of the quantities that are being recycled as well.

On slide 44, switching gears here, we're not finalizing a few of the reporting and recordkeeping provisions that we had proposed. We're not finalizing documentation of waste determinations being proposed, and comments on requiring generators to maintain documentation of the waste determinations if the facility closed. We don't need to do that. Every three years works fine. So that's basically the status quo.

Second bullet here -- I'm sorry, notifying the state or EPA of closure of the waste accumulation. And we just talked about this; that is, we realized that would be just a huge burden if we required facilities to notify every time they were closing a waste accumulation unit. What we became aware of the fact that there are generators out there -- maybe many of you -- that close waste accumulation one month and open it up the next month, or a subsequent month. So that was a good point to point out to us, and that's why we changed the provision.

And likewise, we're not requiring documentation of container weekly inspections. We know that many states already do this. We also know that there are generators out there who do this voluntarily. We're just not going to, you know, finalize this provision right now. I think we'll do a little more homework, understand what's going on out there, and see whether there's problems out there with respect to those generators who do not basically keep records of their waste, of their weekly inspections. So there's that.

Okay, slide 45, satellite accumulation areas. MaryBeth.

Okay. This is part of the regulations that we just did some kind of clarifications on, tightened up a little bit, and tried to make more clear. We did move these provisions into their own section, so they're now found in 262.15. The first clarification, we are requiring hazardous waste not be mixed with incompatibles, which is the same standard that's been in place for a long time for regular accumulation areas. So we're just applying that same standard to the satellite accumulation areas.

We are allowing containers to remain open temporarily under limited circumstances. Basically if it's necessary towards safe operation. So an example, we've learned of over the years and we gave in the preamble is if you have -- in a lab, if you have a container where the contents are too hot, if you put the cover on right away, closing it could cause buildup of gases or something like that, then we're allowing it to remain open temporarily. But once it's cooled, then it needs to be closed.

We mention that we are also allowing or putting in the regulations that you can have a maximum weight for acute hazardous waste limit in the satellite accumulation area, in addition to volume. We clarified that three days, where, once you reach your limit in the satellite accumulation area, you have three days to move it to the central accumulation area. We're clarifying that's three calendar days. We're rescinding

the memo that basically allowed reactive hazardous waste to be stored away from the point of generation. The whole point of satellite accumulation areas is that you're managing the waste at the point of generation. So we determined that if the hazardous waste is so dangerous that it needs to be stored away from the point of generation, then it really just needs to go directly to the central storage area.

And then finally, we're also making, marking, and labeling in the satellite areas consistent with the central accumulation areas, and the marking/labeling provisions that, you know, will now follow throughout the regulations. So those are the clarifications for satellite accumulation areas.

This is Kathy again. And the final rule also addresses a number of things that are additional clarifications. One of these is the revisions to 262.10, to better explain in the regulations what the framework is and has always been for the regulations regarding how the conditional exemption in particular for the generators that accumulate hazardous waste onsite, how that works. So I'm not going to talk to you much about this.

But the basics are that there are some requirements that a hazardous waste generator must comply with, whether or not they actually accumulate hazardous waste or not. So these are independent requirements as defined in the rule. And then there are other provisions that come into effect for generators that are accumulating hazardous waste. And we do understand that is most generators are accumulating hazardous waste, but the distinction is useful regulatorily. And this distinction has always existed in the RCRA regulations, but we haven't defined the terms before.

So in the previous regulations anything that was in 262.34, that's a condition for exemption. And in the reorganized regulations this transfers to the provisions that are in 262.14, -15 -16, and -17 that we've already talked about, as well as in subparts L and M, which is where you find the episodic generation and the emergency planning for LQGs. But the upshot is that this is a language change and a clarification that spurred our reorganization, and we don't expect changes in the enforcement of these provisions going forward.

There are also some more clarifications, including the additional and revised definitions in 260.10, a clarification about generators not disposing of liquids in landfills. Some provisions that have been deleted because they're obsolete, that's fairly straightforward, and quite a few technical corrections and changes that have to do with the reorganization that are just changing citations.

The technical corrections are all laid out in the preamble. The corresponding changes that have to do with the reorg, we didn't list those, because there were too many, but it should be fairly obvious what they are. If you're familiar with the existing regs, then you see a changed reg, but the only thing that's different is the citation. And Jim is going to wrap this portion of the presentation up for us.

Okay, slide 48, so here's a summary of the major economic impacts broken out by generator category, and you can see this is where, again, there was an economic impact, whether it be a cost savings or basically a burden or cost increase. The top three here, LQG consolidation through the 50-foot waiver. These are the cost-savings provisions. I might add that there's probably several others that are of lesser consequence that we don't really highlight here but they're in the rule. The last several here are where we see cost increases.

I just quickly would like to highlight the fact that I don't think, if you look at these, like marking and labelling the way through BR reporting, it's the issue of frequency, and I don't see this -- when you look at the frequency it just isn't there in many instances. I mean, you know, when you talk about SQG re-notification it’s once every four years, the BR reporting is every two years. For a contingency plan, you know, maybe you might have to update the contingency plan but it may have nothing to do with emergency response provisions that we highlight in the rule.

So here it is, here's a quick summary. On slide 49 it's just basically here it is, folks. This is -- you know it's a much needed update. I call it an overhaul to the program. As we said earlier, there's over 60

provisions to the regulations here that we are finalizing, some small, some big. It affects just about every component of the program. On top of that, which we didn't even talk about, there's 30 technical corrections. So how best to put it, except that there's a lot to this rule, and maybe that's why you're tuning it.

So anyway, last slide, again, names and telephone number and e-mail address for myself, Kathy, and MaryBeth. There they are. And with that we'll stop and start trying to take questions. Hopefully there are none; right?

Just a few.

How to do this.

Okay. This is Kristin Fitzgerald, and you all have been keeping me very busy. I didn't hear a word anybody said during the presentation because I've been organizing all the questions that have been coming in. So the idea is to kind of go through them in the order in which we discussed them, starting with the reorganization. We have one question on that. Let's see, in general terms, this is a question from Jesse. Most of the names I cannot pronounce, so I'm going to stick to first names, not last names.

In general terms, what will happen with 40 CFR 265 after we remove all the references to it from 262? This was from interim status facilities. I think they're concerned that 265 is going to be disappearing; right? Which is not the case.

Oh, yeah, that is not the case. If you look at the back of the Federal Register, you're going to see every change that we're making. 265 is mostly unchanged. There are a few changes in the BR section there, but it is still all going to be there. When we say that we moved pieces from 265 into 262, if I said that or if we said that, it was misstatement. We've copied them. So anything that the current 262.34, if it refers to 265. In a lot of places we've copied that into the new 262 regulations, because that all still applies to TSDFs. So now it's going to be in both places.

The idea was to eliminate kind of the flipping back and forth in the CFR.

Yeah. Exactly. There was a lot of cross-referencing that had to be done. If you were trying to figure out what the generator had to do, you spent most of your time with one finger in 262.34, and the other hand flipping through 265 if you do it with a hard copy like I do. And so we were trying to eliminate that as much as possible.

Okay. So let's move on to hazardous waste determination. These are for Jim. A few questions though. From Tom, please clarify point of generation for waste determinations in the context of a large facility where waste is generated in several locations. Is the central accumulation area sufficient, the 90 or 180-day area, is that the point of generation?

No. I mean the point of generation is actually where the waste is generated. It could be at the end of a pipe. It could be, you know, in many different places. But the point of generation is not where you're accumulating or storing the waste, it's where it's first generated. And, you know, it could be obviously they could be different parts of a facility, but each one becomes its own separate point of generation from which it may be that you have solid accumulation area, where you accumulate, you know, up to 55 gallons, and from there, once you accumulated that, then you move into a central accumulation area. But, again, each point, whether it be an end of pipe, I'm not sure how to describe it, but each one of those points, okay, is its own waste determination.

Casey is asking about allowable treatment; right, specific about adjusting PH, but can generators still do treatment, as allowed in the previous regulations. In his case, he wants to adjust the PH.

Yes. Yes. Yes. Yes. Yes.

It does not affect the generator treatment?

No.

Okay. William, he's asking, I think in the hazardous waste determination section, you talked about EPA testing, and he's saying are there tests for reactive waste?

That's a good question. I don't think there are specific -- I'd have to -- my expert is not here. All we have to do is look at 261. 21 or -23. You know, to be honest with you, I do not believe there is a specific test, it's knowledge.

Right. We didn't change anything in the characteristics.

We didn't change anything, yeah.

So what's listed there, it's kind of a descriptive narrative if you have a reactive waste or not.

Right.

Thanks MaryBeth.

So we have a question from Marty. Let's see. Is your office aware of how difficult it is for the retail community to make waste determinations? That's the general theme there.

Well, how best to answer this: You know, there's a retail strategy, you know, it's out there now, we're moving forward with it. I think the issue is there are certain types of materials, if you want to call it that, you know, whether you have a spill. It may be a product recall where it's definitely going to be used or the product is not going to be used anymore, where the point of generation would be at the retailer. For other situations, yes, it is difficult; okay, because you're dealing with a product and the best way to describe it -- and I have my colleague here -- is that, you know, we're taking this issue on in terms of how to address, you know, waste determinations in the context of the retail sector.

Okay. Richard is asking, I have waste streams that occasionally are hazardous; for example, lead paint mixed with sandblast waste. I run analytics to determine if it is, in fact, hazardous. If so, if it is hazardous, we handle it as hazardous. Should all such waste be declared hazardous until analytic results are received, does this meet the point of generation intention?

Yes. I mean, that's a good question. The way we view this is when situations where you have to send your waste out for testing or do it yourself, we basically recommend that you sort of be conservative, you identify the waste as hazardous, manage it as a hazardous waste until, you know, the tests are confirmed whether, in fact, it is a hazardous waste or not. That's been sort of the -- I won't say it's the written policy. I can't say that's the written policy, but it's the informal policy that we followed from day one, you know, with the program. I hope that helps.

Okay. So I've got a question. So those are the majority of the hazardous waste determination questions. I've got one on counting waste for Kathy from Joe. I'm trying to read where the question, it's a little hard to understand. But he's asking about, you know, counting waste and when one has to do that how frequently one has to kind of update your counting in determining your generator status.

Well your generator status is every month that you have to determine what category you are. If you're an LQG and you're operating as an LQG, then it's not as important to get an exact count, and the same as if you -- you know, if you solidly know that you're within a category, you do have to count, but it's not important to necessarily do it every month, unless if you're operating on maybe you might call it the bubble. So if you're an SQG, but you're right up there near the top, then you really should be on top of whether you're still within your limits. It is a monthly requirement though, and if you have a good sense

that you're solidly within your category and you know that, then you're in the category. If you're on a bubble or close, you really should be keeping very close track.

Okay. So we've got quite a few consolidation questions for MaryBeth. They're generally questions that we've heard before.

Okay.

So Jeffrey's asking, why do we decide not to allow consolidation at an SQG incoming?

Okay. Well, an SQG could do this, but they would have to operate as an LQG. And we decided not to expand it because this is the first time we're doing it, so we're going to kind of take it one step at a time, see how it works. But if the facility doesn't -- if the company doesn't have any LQGs and they want to designate one SQG, they could do the consolidation, but they would have to operate as an LQG.

When consolidating waste from a VSQG, does the total waste get added to the LQG's annual generation total or is it kept separate? That's from Walter.

It will be kept separate. There is no overall accumulation limit on LQGs. They have to just get it offsite within 90 days. They will report the VSQG consolidated waste on their biennial report, but they'll report that using a separate source code, which we will be adding to the next round of the biennial report. So I think you would say it would be kept separate.

All right. Heather asked a variation of the first question from Jeffrey about does the LQG that receives the hazardous waste from the VSQG have to be operating as an LQG or just be notified as an LQG?

No, they have to be operating as an LQG. Once they get the VSQG waste, they have to handle that as LQG waste. So they have to remove it within 90 days once they get it at the LQG facility.

So they would have to be both notified as the LQG and operate as the LQG?

Yes.

Okay. There's another question about SQGs, so we'll skip that one. We already answered that, about why aren't we allowing it at SQGs.

Will there be any conditions under which an LQG can consolidate from a non-owned VSQG?

Not under this rule. We did -- we do intend to kind of do some evaluation and maybe expand this in the future if it proves successful. But there were too many obstacles to try to do it this time. I just want to jump in. There are some states that we know of that are operating their own consolidation programs under the existing places that a VSQG can send their waste in 261.5. So we do know that it's going on in some places under those state programs, and the receiving facility is considered one of the state-allowed locations in the list in 261.5. But that is separate from what we're doing here.

Right.

Joe is asking, will the VSQG shipper need to ship its hazardous waste to the LQG on a manifest?

No, we are not requiring -- I mean currently VSQGs, at least at the federal level do not have to use a manifest. So we are not requiring them to use the manifest under the consolidation provisions. We're not making it more stringent than what currently exists. And they do not have to use a hazardous waste transporter.

Kelly is asking, when does the 90-day time limit to ship the hazardous waste offsite for an LQG receiving waste the VSQG begin?

Accumulation begins when the LQGs receives the VSQG waste. So they don't have to start counting it the time limit until it gets to the LQG.

Okay. Randy says, this rule implies -- the consolidation part - implies that the hazardous waste does not have to be transported by a licensed hazardous waste transporter. Does the waste transport have to comply with DOT shipping requirements?

Yes. If there are any shipping requirements that apply by DOT, then they would have to comply with those DOT requirements. But that's separate than the RCRA program.

Okay. All right. We are going to move on to some questions about episodic generation. We only have about five more minutes, and we'll just take a couple about episodic and a couple about hazardous waste marking and labeling. Those were big areas of questions. These are for Kathy Lett. Richard asked, if a small quantity generator has an episodic event, will they be required to submit a final report because of the episodic event?

No. If you operate under the subpart L provisions and you do your episodic event within the regulations there, you do not have to do a biennial report.

So when does the 60-day period start?

The 60 day period for the episodic event, that's going to start when your event starts. So if it's an unplanned event and it's a spill or an act of nature, it's going to happen as soon as the waste starts getting released, generated. And if it's a cleanout, it's going to start at the beginning of your cleanout.

So, similarly, Pamela's asking, is the planned or unplanned event date the date of lab data receipt? What if we don't know the waste is hazardous until the lab data comes back?

Well, it's the point of generation. So if you don't know, then you need to start your event when the waste is generated. It's not reliant on lab data if that is what you're counting on.

Okay. So let's move on to some marking and labeling questions for Jim. So regarding the marking and labeling -- it says, regarding the satellite accumulation area containers and the 90/180-day area accumulation area containers and tanks, they've got to be marked or labeled with an indication of the hazards associated with the content, and we give a number of options for that. Will the use of a hazardous waste code, for example F005, meet this requirement?

No. The whole idea, folks, is that we want to – want it to be very clear, sort of in plain English, the best we can through a label, you know, what is the hazard, you know, whether it's a DOT flame, you know, such as that, that's flammable. I guess if you have a skull and cross bones, it's toxic, things like that. Plain English that people understand. You know, not everybody's going to understand the waste code. In fact, you know, an emergency responder is going to have no idea what that waste code is. So it's geared for the lowest common denominator in terms of people understanding, you know, visitors, workers understanding what the hazard is for the content of that container so RCRA waste codes ain't going to work.

Similarly, when labeling the containers and tanks, would it be adequate to state the contents of the container? For example, waste solvents, toluene, or would it also need to state the specific hazards, such as flammable?

Yes, both. It's great that you yourselves can identify the content over and above the labeling of the hazard. I think people need to know that as well. But, again, as I said earlier, that's somewhat subjective, and we leave it to the generator to determine if, in fact, they want to do that. I think it's a smart idea, it’s a best management practice. But no matter what, we're focused in on risk communication, and that's really the DOT or the OSHA labels.

Dave was asking, does the new labeling and marking also apply at satellite areas?

Yes.

Okay, Douglas is saying, my understanding is that the new marking and labeling requirements for tanks is specific to 90-day or 180-day tanks, and not permanent tanks; is this correct?

I'm just thinking out loud here in terms of if I -- okay, here's how it would work. If I am a TSDF, okay, and I take in hazardous waste and I treat it and generate my own hazardous waste in the process, okay, then, you know, those marking and labelling requirements kick in, and so you would have to basically do that, because then you're the generator of that treated waste. But for other types of waste, I don't think so. But, we can, you know, again, we're going to have this frequently asked question. This would be a good one to put out there and to clarify; okay? So the best way to describe it is we'll get back to you just to confirm. If you have the individual's name and address and all that, then we can do it before that too. Good question.

Okay. Joe Nixon is asking, if a drum contains an ignitable F003 acetone solvent, does the drum also need to be marked as D001 ignitable to more clearly indicate the ignitability risk, in addition to the F003. F003 wastes are, by definition, ignitable.

And I think the answer is yes; okay.

It would be the word ignitable as opposed to D001; right, because the waste codes don’t indicate the hazard.

That's right. Yeah.

Okay. We are out of time. We've got a lot more questions.

They're primarily -- yeah, the remaining ones are primarily about emergency response, yeah. And a couple about the effective date. So that's actually pretty relevant. I think we should probably ask one of those and call it a day.

So if I'm an in a state that has its own state EPA regulations, you know, as authorized, when must I comply with the new rule? By May 30th, 2017, or when the state has an effective date?

Right. If you're in an authorized state, then your state is going to have to pick up the rule before it goes into effect in the state. So you're going to look for your state regulations. And for the more stringent parts of the rule there's a deadline, July 1st, 2018, or the next year if they have to make a legislative change. And for the less stringent part, the state has a choice of whether or not to pick those up. So if you're in an authorized state, look to your state for their regulation changes.

I do want to mention that some states do pick up more quickly than they have to, so you should, yeah, double check with your state.

Historically those states that we are aware of are New Jersey and --

New Jersey and Pennsylvania have been picking up fairly quickly, so. But it wouldn't be before the effective date, so.

Okay. So we are now over time, so I think that we'll wrap it up. Jean, I think you had a couple things you wanted to say in conclusion?

Okay. Thank you so very much. Let's walk through just a few final reminders before we close out today's live broadcast. For those of you who asked if there are copies of the presentation materials, we do have

that content available to download. I sent the link to a number of you already. If you haven't received it, there are links in the related URLs box, which appears on the middle right of your screen. You will be able to scroll through that list and click on the button for some of our resources, and you'll see a tab for both the slides and other related resources. You can access the presentation materials, as well as related websites right now.

If you're looking for contact information for our presenters and organizers, it's currently posted on the seminar homepage. It was also included in their presentation materials. And I would ask if you could take just a brief moment to fill out the online feedback form to let us know what you thought of today's delivery, both the method that we use to provide the training, as well as the content that was covered.

If you fill out that online feedback form, there is a box you can check to request a participation certificate. That's usually one of the biggest questions I get. Again, there's a box. As long as you check the box on the bottom of that feedback form online you'll be able to immediately download or print out a participation certificate after you supply your feedback.

If you happen to share the line with multiple people at your location, each person can fill out their own online version of the feedback form and get their own certificate. If you don't have time to fill the form out right now, that link is active. You can come back to it at a later date to share your thoughts about the webinar. But I do, again, encourage you to please take a moment to fill out that form and let us know what you thought of today's delivery.

Today's session was recorded and will be archived. It usually takes us just a few days to go through the recording and produce a final format that we can then share. Everyone who registered for today's session, as well as anyone who is stuck on wait list, will automatically receive an e-mail with the link to replay the recorded version as soon as it's available.

So I want to thank the well over 650 individuals who joined us from all over the country for today's live broadcast, as well as our organizers and presenters here from EPA for putting on today's session. We'll be redelivering today's broadcast in a second delivery on December 7th, and we will also -- pardon me. Excuse me. I apologize. I have the wrong date, December 5th. And then there's been a third delivery scheduled for January 9th. Again, we'll be redelivering the same content. If you participated today, you do not need to attend those future deliveries. They will be covering the same material.

So, again, thank you so very much for joining today's live session. This will be the formal conclusion of broadcast.