

# Overview of New EPA & DEEP Rules

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Hazardous Waste Advisory Committee

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# About Your Presenter



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# Rules We Will Be Discussing Today

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- EPA Hazardous Waste Generator Improvements Final Rule.
- Revisions to EPA Hazardous Waste Import/Export Rules.
- Proposed TSCA Amendments Regarding Certain Use 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

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- 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](http://www.regulations.gov).
- Final Rule published 11/28/2016.
- Effective Date: 5/30/2017.
- Not affected by Trump Administration “rule freezes.”

# Applicability in CT

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- 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

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- 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

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

# Reorganization

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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- 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

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



# Generator Closure

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- 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

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- 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

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- EPA HW Generator Improvements Final Rule Web Page:  
[www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements](http://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements)
- EPA FAQ Page:  
[www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-generator-improvements-final-rule](http://www.epa.gov/hwgenerators/frequent-questions-about-hazardous-waste-generator-improvements-final-rule)
- EPA PowerPoint Presentation:  
<https://clu-in.org/conf/tio/hwgenerators/>



# EPA Hazardous Waste Import/Export Rule Revisions

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- Final Rule published on 11/28/2016.
- 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

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- 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

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- EPA HW Import/Export Rule Revisions Page:  
[www.epa.gov/hwgenerators/final-rule-hazardous-waste-export-import-revisions](http://www.epa.gov/hwgenerators/final-rule-hazardous-waste-export-import-revisions)



# EPA Proposed Rules Banning Certain Uses of TCE

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- 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

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- EPA TCE Fact Sheet:

[www.epa.gov/assessing-and-managing-chemicals-under-tsca/fact-sheet-trichloroethylene-tce](http://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](http://www.epa.gov/assessing-and-managing-chemicals-under-tsca/trichloroethylene-tce)

# DEEP Proposal to Adopt the EPA Solvent-Contaminated Wipes Rule

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- EPA Rule published 7/31/2013.
- 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

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- 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

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- 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

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

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- 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:  
[www.epa.gov/hwgenerators/hazardous-waste-electronic-manifest-system-e-manifest](http://www.epa.gov/hwgenerators/hazardous-waste-electronic-manifest-system-e-manifest)

# DEEP Manifest Scanning Project

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- 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

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- 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.

<https://data.ct.gov/Environment-and-Natural-Resources/Hazardous-Waste-Manifest-Data-CT-1984-2008/h6d8-qjar/>



# Questions?

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