Noteworthy Changes in the Hazardous Waste Generator Improvements Rule

The final Hazardous Waste Generator Improvements Rule was signed by the Administrator of the U.S. Environmental Protection Agency (EPA) on October 28, 2016, and was published in the Federal Register on November 28, 2016. The final rule includes more than 60 changes to the hazardous waste generator regulations that clarify existing requirements, increase flexibility and improve environmental protection. These changes also reorganize the regulations to make them easier to follow and make certain technical corrections. EPA believes that these changes are important to better fit today’s business operations.

Some of the noteworthy changes in the final rule include:

- The term “Conditionally Exempt Small Quantity Generator” (CESQG) was changed to “Very Small Quantity Generator” (VSQG).
- The VSQG regulations were moved from section 261.5 of Title 40 of the Code of Federal Regulations (CFR) into 40 CFR part 262, where the regulations for “Small Quantity Generators” (SQGs) and “Large Quantity Generators” (LQGs) are located.
- VSQGs can now send hazardous waste to a LQG that is under the control of the same person for consolidation before sending it on to a Resource Conservation and Recovery Act (RCRA)-designated facility.
- The emergency response and contingency planning provisions for SQGs and LQGs now include the Local Emergency Planning Committees (LEPC).
- LQGs are required to submit quick reference guides with the key information when they either develop or update their contingency plans to local responders for easy access during an event.
- SQGs are required to re-notify every four years.
- The generator categories that apply when a generator generates both acute and non-acute hazardous waste in a calendar month are clarified.
- Generator requirements that are cross-referenced in other parts of the hazardous waste standards are now included in 40 CFR part 262.

IN WHICH STATES IS THIS RULE IN EFFECT?

As Iowa and Alaska are not authorized to implement the federal hazardous waste program, the Rule is effective there and administered by the EPA Region 7 and Region 10, respectively.

Pennsylvania and New Jersey are authorized to implement RCRA and have adopted these revisions. The remaining states are also authorized to implement RCRA, but have not adopted these revisions. Any portion of the rule that EPA has determined to be more stringent than a particular state’s program must be adopted by that state. States may choose not to adopt any portion of the rule that is less stringent.


To discuss how the Hazardous Waste Generator Improvements Rule may impact your business, contact me at mlispi@haleyaldrich.com.