

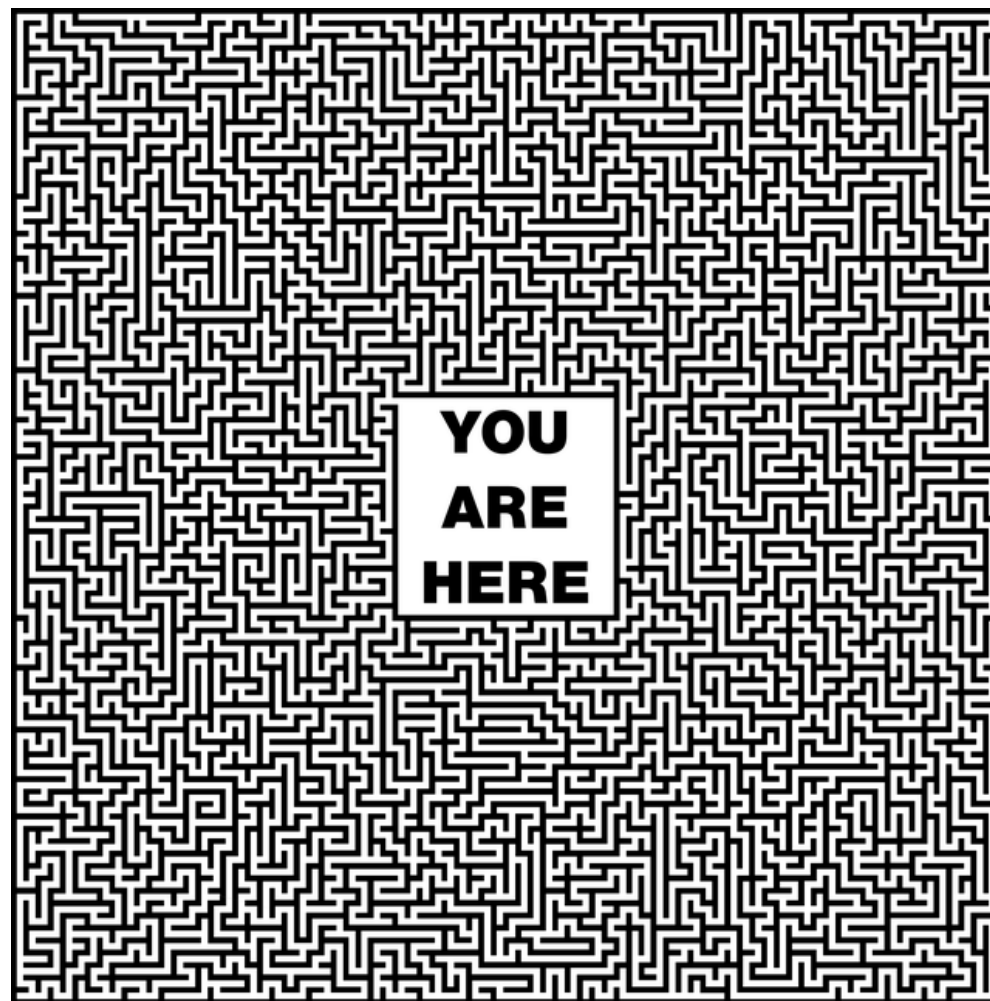


A Quick Reference Guide to What's in the New Federal RCRA Rules adopted in Missouri

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Summary of Major Rulemaking Components

- Aerosol Cans Universal Waste Rule
- Airbags Rule
- Pharmaceutical Rule
- Wood Treaters
- Hazardous Waste Generator Identification Rule



Aerosol Cans

- 40 CFR 273.6 allows for management of aerosol cans as universal waste
 - ▶ Universal waste = streamlined mechanism for collection and recycling of commonly generated wastes from a wide variety of households and businesses
 - ▶ Applies to used and unused aerosol cans, on date of discard
 - ▶ Provides an alternative management scheme that will benefit some generators
- Benefits
 - ▶ Universal waste does not count against generator quantities
 - Particular benefit to facilities on the edge of a generator category
 - ▶ Reduction in aerosol cans going to landfills and incinerators
 - Positive sustainability metric from recycling of metal and/or the removed contents
 - ▶ Centralized puncturing and draining activities
 - Potentially more effective emission controls and reduced potential for spillage

Aerosol Cans

- Conditions for management of containers
 - ▶ Accumulate in containers that are structurally sound, compatible with contents, no evidence of leaks, spills, or damage that could cause leaks
 - ▶ Protect from sources of heat
 - ▶ Properly labeled as Universal Waste
- Conditions for puncturing and draining
 - ▶ System must be designed to safely puncture, and effectively contain residual contents and emissions, and
 - ▶ Operation must be done in a manner to prevent fires and prevent release to the environment, and
 - ▶ Written operating procedure required, and
 - ▶ Required documentation of manufacturer instructions require, and
 - ▶ Required documentation of employee training, and
 - ▶ Required written spill / leak response procedure and spill kit.

Airbag Waste

- Conditional exemption from full hazardous waste regulation for generation and accumulation of airbag waste
 - ▶ Primarily affects motor vehicle industry and receiving facilities
- As long as certain conditions are met:
 - ▶ Does not count against the handler's generator status
 - ▶ Hazardous waste manifest is not required
- Conditions for airbag handlers
 - ▶ No more than 250 airbag modules and air bag inflators (combined) at one time
 - ▶ Limited to 180 days
 - ▶ Specific packaging and labeling requirements. "Airbag waste – do not reuse."
 - ▶ Must be sent to an airbag collection facility or a designated facility
 - ▶ Comply with all applicable DOT requirements
 - ▶ Retain documentation for at least 3 years for all off-site shipments and confirmations of receipt

Airbag Waste

- Conditions for airbag collection facilities
 - ▶ Under control of vehicle manufacturer or representative, or NHTSA authorized party
 - ▶ 10-day transfer only
 - ▶ Can receive airbags from the handler on any compliant shipping paper
 - ▶ Collection facility becomes the hazardous waste generator and must ship out on a hazardous waste manifest
- Conditions for designated facility
 - ▶ Must be a RCRA TSD facility
 - ▶ Can receive airbags from the handler on any compliant shipping paper, but must receive on a hazwaste manifest if shipped from a collector
 - ▶ Becomes generator for any airbag waste received directly from airbag waste handlers
- Benefits –
 - ▶ Does not count against generator quantities for handlers (e.g., auto dealers, maintenance shops)
 - Particular benefit to facilities on the edge of a generator category
 - ▶ Simplified management approach

Pharmaceutical Rule

- Conditional Alternative Management strategy for management of spent pharmaceutical waste, 40 CFR 266 Subpart P
 - ▶ Affects medical and dental providers, prescription and non-prescription drug retailers, veterinary providers
- As long as certain conditions are met, hazardous waste pharmaceuticals:
 - ▶ Do not count against hazardous waste generator status, and
 - ▶ Can be stored for up to 1 year (generators)
 - ▶ Manifests required only for non-creditable pharmaceuticals
- Two types of eligible pharmaceuticals
 - ▶ “Potentially Creditable” – can be returned through reverse distributor
 - Original manufacturer package (except where recalled)
 - Undispensed
 - Unexpired or less than one year past expiration
 - ▶ Non-Creditable
 - Cannot be sent back

Pharmaceutical Rule

■ Conditions

- ▶ Waste determination
- ▶ Container requirements (replaces satellite and central accumulation requirements)
 - Good condition and free of rust, structural defects, and deterioration
 - Periodically check for damage, leaking, or release
 - Clear labeling, including “Hazardous Waste Pharmaceuticals”
- ▶ Documented training on proper handling and emergency procedures

■ Other Features of the Rule

- ▶ Sewering ban (effective nationwide 8/21/2019)
- ▶ Eliminates dual regulation (RCRA vs DEA)
- ▶ Relaxes empty container requirements for pharmaceuticals (e.g., blister packs)
- ▶ Exempts FDA-approved nicotine therapies from hazardous waste regulation

Wood Treaters, Drip Pads

- Subpart W Drip Pads
 - ▶ Standards for new or existing drip pads
 - ▶ Design, operation, inspection, and closure requirements
 - ▶ Missouri-specific: wood preservers have two years to establish compliance, with allowance to request a one year extension.

Hazardous Waste Generator Improvements Rule

- Rule reorganization and various “minor” changes
- “VSQG” (Very Small Quantity Generator) replaces “CESQG”
- “Central Accumulation Area” defined
 - ▶ Storage vs. central accumulation
 - ▶ Central vs. satellite accumulation
- Miscellaneous “improvements”
 - ▶ Corrections, Clarifications
 - ▶ New definitions
 - ▶ Deleting outdated and obsolete provisions
- Cumulative effect of many relatively minor changes = Potentially significant effort for generators to come into initial compliance

Episodic Generation

■ Episodic event

- ▶ Planned or unplanned activity, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.

■ Planned episodic event

- ▶ Planned and prepared for:

- e.g., regular maintenance, tank cleanouts, short-term projects, and removal of excess chemical inventory

■ Unplanned episodic event

- ▶ Unplanned and reasonably did not expect to occur

- e.g., production process upsets, product recalls, accidental spills, “acts of nature” such as tornado, hurricane, flood

Episodic Generation



Episodic Generation

- Valuable option for facilities with occasional temporary surge in hazardous waste generation
- Generator can remain at existing (VSQG, SQG) category during episodic generation, with the following conditions:
 - ▶ Notify Agency at least 30-days in advance (or within 72 hours for unplanned episode)
 - ▶ Complete the episodic event within 60-days (no extensions allowed)
 - ▶ Only one planned episodic event per year
 - Can petition for second (unplanned) event
 - No more than 2 episodic events/year
- Must have USEPA ID Number and Missouri ID number
 - ▶ Register as necessary to obtain these numbers for amount of waste that would be generated
 - ▶ Site must be active (appropriate registration fee paid) prior to episodic event notification

VSQG (CESQG) Episodic Generation

- VSQG (CESQG) must also comply with SQG waste management provisions and maintain records
 - ▶ Use hazardous waste manifest and transporter to ship to RCRA TSDf or recycler
 - ▶ Manage in a way that minimizes potential for accident or release
 - ▶ Label episodic waste containers
 - “Episodic Hazardous Waste”
 - Identify hazards of contents
 - ▶ Identify an emergency coordinator at the generator facility
 - ▶ Maintain records
 - ▶ Meet the Missouri SQG reporting requirements for the reporting years covered by the event.

SQG Episodic Generation

- SQG must comply with existing SQG regulations
 - ▶ Label episodic waste containers
 - “Episodic Hazardous Waste”
 - Identify hazards of contents
 - ▶ Use hazardous waste manifest and transporter to ship to RCRA TSDF or recycler
 - ▶ Maintain records of episodic event
- **CONDITIONAL!** All conditions must be met to retain the episodic generation conditional management benefit
 - ▶ If one or more conditions is not met, automatically revert to higher generator category

VSQG (CESQG) Consolidation Option

- Allows company to consolidate VSQG wastes at their own LQG facility
 - ▶ 40 CFR 262.14(a)(5)(viii)
- Benefits companies with multiple locations
 - ▶ At least one location is LQG
 - ▶ At least one location is VSQG
 - ▶ LQG does not need to be a permitted TSDF
 - ▶ Must be under control of the same “person,” as defined under RCRA
 - ▶ “Control” is the power to direct policies at the facility
- NOT APPLICABLE to SQGs

VSQG (CESQG) Consolidation Option

- VSQG Responsibilities:
 - ▶ Mark and label containers as “Hazardous Waste”
 - ▶ Indicate hazards of the contents
 - ▶ Ship/transport in accordance with applicable regulations
 - DOT compliance if shipped on public roadway
 - No hazardous waste manifest required and hazardous waste transporters do not have to be used

VSQG (CESQG) Consolidation Option

- LQG Responsibilities (found at 262.17(f))
 - ▶ Notification (via Site ID Form) of participation in the program (including info for all VSQGs participating)
 - USEPA Form 8700-12
 - ▶ Recordkeeping for each shipment
 - Maintain for 3 years
 - ▶ Manage consolidated waste as LQG hazardous waste
 - Start date of accumulation = date received from VSQG
 - ▶ Include in Biennial (Annual) Report
 - Use new source code

Ignitable and Reactive Wastes

■ 50-foot waiver

- ▶ Benefits facilities with narrow or odd-shaped properties, or with limited space for hazardous waste accumulation
- ▶ Current rule
 - Ignitable and reactive wastes are prohibited from storage within 50-feet of the property line
- ▶ New allowance
 - Can request site-specific waiver from the local fire authority if unable to meet the 50-foot restriction
 - Written waiver required
 - Agency delegates responsibility for waiver to local fire “authority having jurisdiction”

Waste Determinations

- Must accurately document hazardous waste determinations (§262.11(f))
 - ▶ Applies to SQGs and LQGs
 - ▶ Applies at point of generation – before diluted, treated, mixed, or otherwise altered
 - ▶ Does not apply to exempted wastes
 - but does not invalidate any separate recordkeeping requirements
 - ▶ Does not specifically apply to non-hazardous wastes
 - but encouraged as a best management practice
- Using knowledge to determine waste characteristics
 - ▶ Moves from 262.11(c)(2) to 262.11(d)(2)
 - ▶ Lists types of knowledge previously accepted by USEPA
 - ▶ Specifically allows alternative tests as part of knowledge

LQG Contingency Plans

- LQG Contingency Plans must have a “quick reference guide” with most critical information (262.261(d))
 - ▶ Contents of “quick reference guide”
 - Types/names of hazardous waste and associated hazards
 - Estimated maximum amounts of hazardous wastes
 - Hazardous wastes requiring unique/special treatment
 - Map showing where hazardous wastes are generated, accumulated or treated at the facility
 - Map of facility and surroundings to identify routes of access and evacuation
 - Location of water supply
 - Identification of on-site notification systems
 - Name of emergency coordinator(s) or listed staffed position(s) and 7/24-hour emergency telephone number(s)
 - ▶ Submit with first Contingency Plan or with first revision following effective date of the rule
- Emergency Coordinator contact information no longer required to include home phone number and home address (LQG Contingency Plan ONLY)

Emergency Preparedness & Planning

- Arrangements with Local Emergency Responders
 - ▶ Must document attempts to make arrangements with responders
 - Whether or not successful arrangements were made
 - Regulation is flexible on the acceptable types of documentation and on the location where that documentation is retained
 - Waiver option for facilities with on-site response capabilities
- Preparedness and Prevention provisions have been relocated and clarified
 - What emergency equipment is required, and where
 - Must address all areas where hazardous waste is generated and/or managed
 - ▶ LQG Information at 40 CFR 262 Subpart M
 - ▶ SQG Information at 40 CFR 262.16(b)(8)

Marking / Labeling Requirements (Central Accumulation and Transport)

- Applies to all SQGs, LQGs, Transporters
- Label must indicate
 - ▶ The words “Hazardous Waste”
 - ▶ Identification of hazards NEW
 - Choice of established methods: DOT, OSHA, NFPA, ...
 - ▶ Add all waste codes (prior to shipment) NEW
 - May use recognized electronic option
 - e.g., bar codes
 - Exception for lab packs
 - ▶ Accumulation start date
- For vessels that can't be labeled (e.g., some tanks, drip pads, containment buildings)
 - ▶ Info can be in records or logs kept at or near the location of the vessel

Marking / Labeling

GHS PICTOGRAMS & HAZARDS

As of June 1, 2015, the Hazard Communication Standard (HCS) will require companies to label in accordance with the international standards to which they are required. Below are the modified Hazard Communication Standard (HCS) labels in conformance with the United Nations (UN) Globally Harmonized System of Classification and Labeling of Chemicals (GHS). Each pictogram consists of a symbol in a white background inside a red diamond shape. The pictogram is the label is determined by the chemical hazard classification.



HEALTH HAZARD

- 4 DEADLY
- 3 EXTREME DANGER
- 2 HAZARDOUS
- 1 SLIGHTLY HAZARDOUS
- 0 NORMAL MATERIAL

FIRE HAZARD

FLASH POINT:

- 4 BELOW 73°F
- 3 BELOW 100°F
- 2 BELOW 200°F
- 1 ABOVE 200°F
- 0 WILL NOT BURN

SPECIFIC HAZARD

- OXIDIZER OX
- ACID ACID
- ALKALINE ALK
- CORROSIVE COR
- USE NO WATER
- RADIOACTIVE

INSTABILITY

- 4 MAY DETONATE
- 3 SHOCK + HEAT MAY DETONATE
- 2 VIOLENT CHEM. CHANGE
- 1 UNSTABLE IF HEATED
- 0 STABLE

Satellite Accumulation Provisions

- Satellite accumulation area regulations for SQG and LQG (New section at 40 CFR 262.15)
- Containerized wastes must be compatible with each other and container itself, while in satellite accumulation
- Three-day requirement to move containers from satellite accumulation means three calendar days
- Certain containers in SAA allowed to remain open under very limited circumstances
 - ▶ When necessary for safe operations – EXTREMELY limited exception
- Marking and labeling consistent with central accumulation areas
 - ▶ Except date of accumulation – not required until full or closed and removed*
- Reactive waste satellite accumulation away from the point of generation – no longer allowed
- *Missouri State Option has been retained – time limited approach
 - ▶ Start date of accumulation IS required if using the Missouri option

Closure

- Closure of all LQG central accumulation units must meet closure performance standards (i.e. “clean close”)
 - ▶ Existing LQG requirement extended to container accumulation units
- Clean closure can be deferred (with appropriate notice) until final facility closure
 - ▶ EXCEPT! When otherwise mandated by enforcement action.
- For Unit Closure:
 - ▶ Notify Agency that closure performance standards have been metOR
 - ▶ Place notice in operating record within 30-days after closing a unit within a facility that cannot meet closure performance standards
- LQG Container Accumulation Areas that cannot clean close
 - ▶ Must close as a disposal unit
 - ▶ Notify Agency no later than 30-days prior to closing a facility
 - ▶ Notify Agency within 90-days after closure of a facility that cannot clean close

Other Major Provisions of the Rule

- Notifications and recordkeeping
 - ▶ SQGs required to re-notify every 4 years
 - Next report: September 1, 2025.
 - ▶ Biennial report rules updated
- LQG Training can use computer-based tools
 - ▶ Keep in mind that packaged on-line training doesn't address the site-specific training requirements
- Method for determining accumulation time in batch and continuous flow tanks
- Methods for determining generator category
 - ▶ Mixtures of solid and hazardous wastes
 - ▶ Mixtures of acute and non-acute hazardous wastes
- Miscellaneous other changes and clarifications

“Independent Requirements” vs. “Condition for Exemption”

- 40 CFR 262.1 defines “independent requirement” and “condition for exemption”
- 40 CFR 262.10(a) explains significance of those distinctions
- This clarifies long-standing USEPA policy:
 - ▶ Violation of an independent requirement is subject to traditional enforcement paths (NOV→penalty→return to compliance)
 - ▶ Noncompliance with an optional exemption condition could result in “full regulation” as per the underlying independent requirements

No need to panic!

- ▶ **Agencies generally use enforcement discretion and follow the independent requirement path except when the noncompliance is flagrant, repetitive, and/or poses severe risk**

“Independent Requirements” vs. “Condition for Exemption”

- Example: Fred’s Fabulous Little Chemical Company, an SQG, has a spill and notifies that they will be using the episodic generator provisions
 - ▶ Fred neglects to arrange for shipment of the episodic generated waste, and it sits at the facility for 100-days before finally being shipped off-site
 - ▶ At day 61, the episodic generator condition (remove within 60- days) has been violated, so Fred’s Fabulous Little Chemical Company reverts to being a LQG, subject to full LQG regulation
 - ▶ At day 91, the LQG accumulation timeframe (90-days) has also been exceeded, so the facility reverts to being an unpermitted hazardous waste storage facility, subject to full TSDF regulation

Implications of the Recent Federal Rulemaking?

- So many changes = numerous points of compliance risk
 - ▶ Easy enforcement targets
 - Waste labeling
 - Waste determination documentation
 - LQG Contingency Plans
 - SQG quadrennial re-notifications
 - ▶ Slightly different conditions imposed for each exemption and alternative management strategy
- Focus on new requirements may highlight historic compliance weaknesses at some facilities

QUESTIONS?

