



SPRING 2020

## from experience

environmental, health & safety edition

### Hazardous Waste Generator Improvements and Episodic Generation: Are You Compliant?

The U.S. Environmental Protection Agency (USEPA) Hazardous Waste Generator Improvements Rule was finalized in 2017. While the rule has yet to be fully adopted by all states, it is important that your facility understand its obligations as more states adopt the changes. In particular, the new rules vary somewhat depending on a facility's generator status. Here is a summary of the more significant changes:

1. **Large Quantity Generator (= $\geq$  2,200 lbs. Non-Acute Waste or Any Amount of an Acute Waste)**
  - a. Quick Reference Guide (QRG) - Development of an abbreviated contingency plan for fire department use during an emergency (40 CFR 262 (b)).
  - b. Receive Off-Site Waste – May accept waste from very small quantity generating facilities under the control of same ownership.
2. **Small Quantity Generator (>220 lbs. - <2,200 lbs. Non-Acute Waste)**
  - a. Agency Notification – Beginning September 1, 2021 and every four years thereafter.
  - b. Episodic Generation – For those non-routine waste practices (e.g., tank cleanouts, maintenance projects, shelf-life issues) that cause a generator to exceed their classification, [in 40 CFR section 262.231](#) USEPA specifies that “planned” and “unplanned” events must be reported to the state agency. Episodic waste must be properly removed from the site within 60 days from start of the event.
  - c. “Episodic Hazardous Waste” Label - Container must use this language.
  - d. Episodic Waste Record Retention - These records must be maintained for at least three years.
3. **Very Small Quantity Generator (= $<$ 220 lbs. Non-Acute Waste)**
  - a. Ship Hazardous Waste to Sister Company – See 1(b) above.
  - b. Episodic Waste Practices - Follow the Episodic waste practices as described for the Small Quantity Generators above.
4. **Other Significant Changes**
  - a. Main Storage Area Labeling – Label storage area as “Central Accumulation Area.”
  - b. Temporary Container Venting – Under specified conditions, see standard.
  - c. Satellite Area Containers (= $<$ 55 Gallons) – Once filled must be taken to centralized container storage area or approved disposal vendor within 3 days from once filled.
  - d. Non-Bulk Container (e.g., Drums) Labels – Must include EPA Waste Codes (e.g., D002 = Corrosive) prior to entering transportation.

For more information on the Hazardous Waste Generator Improvements Rule, visit <https://bit.ly/3cwBYqD>.

#### experience in brief

As mentioned at left, not all states have fully adopted the Hazardous Waste Generator Improvements Rule, including the requirements for episodic generation. Learn more about your state's current status at <https://bit.ly/3d2x4kM>.

#### USEPA and COVID-19

In late March, USEPA [issued a memorandum](#), (retroactive to 3/13/20), stating that the agency recognizes that COVID-19 restrictions may have impacted a facility's ability to conduct normal recordkeeping operations. EPA will use its discretion considering the circumstances, to determine whether enforcement response is appropriate. If your facility had a lapse in monitoring, recordkeeping, or reporting procedures due to COVID-19, NOW is the time to act. Make sure that you have **thoroughly documented** why records were not kept or are incomplete. As states begin the process of re-opening, and facilities and personnel enter back into normal operating modes, USEPA will be looking to return to standard oversight operations as well.

Note that the Occupational Safety and Health Administration (OSHA) is not requiring similar documentation practices as USEPA; however, given the likely subjective enforcement application, Hixson recommends maintaining best practices (including documentation) to keep your facility in regulatory compliance.

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