2023

Hazardous Waste Management and Compliance Assistance Questions and Answers

This Q&A is a living document and is subject to change and continuously being corrected and updated – July 2022

*Nothing herein is intended to modify department rules or guidance documents incorporated within those rules.*

Chapters 62-710, 62-730, 62-731, 62-737, and 62-740 Florida Administrative Code (F.A.C.)

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**ABBREVIATIONS:**

1. **BR Biennial Report**
2. **CFR Code of Federal Regulations**
3. **FR Federal Register**
4. **F.A.C. Florida Administrative Code**
5. **HW/HazWaste Hazardous Waste, defined in RCRA (**[**40 CFR 261**](http://www.flrules.org/Gateway/reference.asp?No=Ref-12294) **and** [**62-730.030 F.A.C**](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030)**.)**
6. **LQG Large Quantity Generator(s)**
7. **RCRA Resource Conservation and Recovery Act**
8. **SAA Satellite Accumulation Area**
9. **SQG Small Quantity Generator(s)**
10. **SW Solid Waste**
11. **TCLP Toxicity Characteristic Leaching Procedure (TCLP) aka “T-Clip”**
12. **TSDF Treatment, Storage, & Disposal Facility**
13. **VSQG Very Small Quantity Generator(s)**

Questions in Blue - *Department Responses in Black*

# HAZARDOUS WASTE FACILITY PERMIT APPLICATION AND FORMS

[Chapter(s) 62-730.240-260](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730), [62-730.900, F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.900)

* Question: Where can the most updated RCRA information be found?
* *Answer: The most current information concerning RCRA can be found on the EPA Hazardous Waste* [*website*](https://www.epa.gov/hw)*.*
* Question: Is the EPA RCRA search website [[RCRAInfo](https://rcrainfo.epa.gov/rcrainfoprod/action/secured/login)] updated with any recent 8700 form submission?
* *Answer: The most current information concerning RCRA can be found on the EPA Hazardous Waste* [*website*](https://www.epa.gov/hw)*.*

# HAZARDOUS WASTE FINANCIAL ASSURANCE

[Chapter(s) 62-730.180](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.180), [62-730.226 F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.226)

* Question: I am an out-of-state Transporter and my Insurance Provider states that they use a 15-day cancellation notice versus the 30-day as required in Chapter 62-710.600(2)(e)1.?
* *Answer: All requirements for financial assurance are established and detailed by the Certificate of Liability Insurance – Hazardous Waste and Used Oil Transporters that can be found at 62.730.900(5)(a).*

# HAZARDOUS WASTE TRANSPORTERS

[FL Statute 403.721](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0403/Sections/0403.721.html); [40 CFR 263](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-263), [Chapter 62-730.170, F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.170)

* Concern: Transfer Based Exclusion, specifically found in 40 CFR 261.4(a)(24)
* *Answer: Yes, as long as the requirements of 261.4(a)(24) (i) through 261.4(a)(24)(vii) are met, then any materials being transferred to a reclamation facility would be exempt from other RCRA rules.*
* Question: I am an out-of-state Transporter and my Insurance Provider states that they use a 15-day cancellation notice versus the 30-day as required in Chapter 62-710.600(2)(e)1.?
* *Answer: Providers of the required insurance must comply with the requirements detailed on the DEP Form 62-730.900(5)(a)*
* Question: What is the difference between receipt and acceptance of the waste shipment?
* *Answer: Receipt of the shipment is the receiving of the HW that is acknowledged by signing and dating each copy of the manifest, pursuant to 40 CFR Part 264.71(a)(1). Any manifest discrepancies like quantity or piece count should be noted on the manifest before signing the manifest, pursuant to 40 CFR 264.72(a), as adopted by* [*Chapter 62-730, F.A.C.*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730)

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*Acceptance of the load occurs when the receiving TSD facility evaluates the waste and determines that the waste agrees with the profile and can be treated at the facility. However, any significant discrepancies like the type of waste that can be discovered only after an inspection or waste analysis, should be resolved with the generator or transporter within 15 days after receiving the hazardous waste pursuant to 40 CFR Part 264.72(b). After this time has expired all manifest discrepancies must be reported to the Department pursuant to 40 CFR 264.72(b), as adopted by* [*Chapter 62-730, F.A.C*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730)*.*

* Question: What is the status of waste in a shipment prior to it being accepted and placed into a regulated unit?
* *Answer: Once the shipment has been received by the TSD facility that is, once the manifest has been signed), the shipment must be offloaded for acceptance and evaluation, and the hazardous waste is no longer considered in transit and must be stored according to the RCRA operating permit of the facility.*
* Question: Is there a time limit to process a manifest?
* *Answer: Once a shipment of HW is received by the TSD facility, the following manifests processing procedures should be followed –*
	+ *Once the shipment of hazardous waste is received, the manifest must be signed and dated by the owner or operator of a TSD facility by noting any quantity or piece count discrepancies (if any) on the manifest. This process is called acknowledging the receipt of the hazardous waste and must immediately give the transporter at least one copy of the signed manifest, pursuant to 40 CFR 264.71(a)(1), (2) & (3), as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)
	+ *Any significant discrepancies in waste agreeing with the profile are obvious differences which can be discovered after an inspection or waste analysis should be resolved with the generator or transporter within 15 days after receiving the hazardous waste, pursuant to 40 CFR 264.72(b). Accepting or rejecting the hazardous waste determination should be made based on whether the waste agrees with the profile and whether the TSD facility can treat the waste at their facility.*
	+ *If the TSD facility could not reconcile the discrepancy within 15 days with the transporter or generator, the owner or operator of the TSD facility must immediately submit to the regional administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue, pursuant to 40 CFR 264.72(b), as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)
	+ *Within 30 days after the delivery, the TSD facility should send a copy of the manifest to the generator, pursuant to 40 CFR 264.71(a)(4), as adopted by* [*Chapter 62-730.160(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)*.*
	+ *Within 35 days of the date the waste was accepted by the initial transporter if a large quantity generator does not receive the copy of the manifest from the TSD facility, the generator should contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste, pursuant to 40 CFR 262.42(a)(1), as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)
	+ *If the copy of the manifest is not received within 45 days of the date the waste was accepted by the initial transporter, a large quantity generator must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located, pursuant to 40 CFR 262.42(a)(2), as adopted by* [*Chapter 62-730.160(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)*.*

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* + *In the case of a small quantity generator, if the copy of the manifest is not received within 60 days of the date the waste was accepted by the initial transporter, the generator must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located, pursuant to 40 CFR 262.42(b), as adopted by* [*Chapter 62-730.160(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)*.*
* Question: When should a manifest be signed?
* *Answer: A manifest should be signed by the TSD facility owner/operator once the piece count and/or weight is obtained and compared with the information on the manifest, pursuant to 40 CFR 264.71(a), as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)
* Question: How are portions of a HW load rejected?
* *Answer: According to US EPA guidance, when a TSD facility receives a waste by completing and signing a manifest, the waste becomes the responsibility of that TSD facility. The TSD would then be considered the generator of the waste whenever it initiates shipment of that waste, pursuant to 40 CFR 262.10(f), as adopted by* [*Chapter 62-730.180(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.180) *Like all other generators of hazardous waste, TSD facility (as a generator) may not offer hazardous waste to anyone without an EPA identification number, pursuant to 40 CFR Part 262.12(c). Finally, the TSD facility (as a generator) must send their hazardous waste only to facilities allowed to receive that hazardous waste, pursuant to 40 CFR Part 262.20(b)-(d). TSD facility cannot legally send any received hazardous waste back to the original generator unless the original generator is also a storage facility with interim status or a RCRA permit.*
* Question: I have a technical solutions company for gas stations and would like to include transportation of their hazardous waste. I need to know if I am required and how I would apply for a permit in Florida?
* *Answer: There are several forms that you will need to complete to register as a Hazardous Waste Transporter –*
* *Complete and submit a hard copy of the DEP 8700-12FL Florida Notification of Regulated Waste Activity detailed in Chapter 62-730.900(1)(b), F.A.C.,*
* *Complete the DEP Certificate of Liability Insurance for Hazardous Waste Transporters and Used Oil Handler detailed in Chapter 62-730.900(5)(a), and one or more of the following –*

|  |  |  |  |
| --- | --- | --- | --- |
|  | Transporter Liability Endorsement Form |  | Transporter Liability Surety Bond |

An EPA ID number is required for these forms, so it is highly recommended that the DEP 8700-12FL form is completed first. As soon as possible, please mail a completed hard copy with original signature (original wet signature or digital signature) to:

DEP Waste Management Division – HWRS, MS4560

2600 Blair Stone Road, Tallahassee, FL 32399-2400

For additional information on HW Transporter registration, please see the [DEP’s Transporters of Hazardous Waste and Universal Wastes](https://floridadep.gov/waste/permitting-compliance-assistance/content/transporters-hazardous-and-universal-wastes) website.

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* Question: Do I need an EPA or Department license for hauling eWaste?
* *There are no current hazardous waste registration/notification requirements for e-waste as long as the electronic waste is recycled. E-waste can be managed under 40 CFR* [*261.2(e)(1)(ii)*](https://ecfr.io/Title-40/Section-261.2) *if it can be reused. Electronic components can be reclaimed or recycled under the scrap metal exemption in 40 CFR* [*261.6*](https://ecfr.io/Title-40/Section-261.6) *or under* [*261.4(a)(14)*](https://ecfr.io/Title-40/Section-261.4) *for shredded circuit boards. You will need to check with county and city code enforcement agencies for any local regulations.*

# REGULATED WASTES

[Chapter 62-730.030, F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030); [40 CFR 261](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261), [40 CFR 263](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-263)

* Question: Does the state of Florida issue State Hazardous Waste numbers in addition to the Federal EPA number?
* *Answer: No. The state of Florida has been granted the authority to issue EPA RCRA ID numbers.*
* Question: Does the State of Florida have its own waste codes?
* Answer: [*Chapter 62-730.030 (1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030) *states that “The Department adopts by reference* [*40 CFR 261*](http://www.flrules.org/Gateway/reference.asp?No=Ref-12294)*, revised as of July 1, 2019, and as amended in the* [*84 Federal Register*](http://www.flrules.org/Gateway/reference.asp?No=Ref-12299) *dated December 9, 2019, and all appendices….” The Department uses the waste codes as established at the federal level.*
* Question: Is there a current solution to the backlog/delays in managing sufficient disposal within the federal and state-mandated storage time limits, specifically incinerable waste(s)?
* *Answer: On July 14, 2021, the department issued* [*interim guidelines*](https://floridadep.gov/waste/permitting-compliance-assistance/documents/post-interim-incinerator-disruption-guidance) *for generators that request more than one 30-day extension due to the above-mentioned delays. The guidance provides short-term relief allowing generators to hold their waste for an additional 30-day period. The generator may make additional 30-day requests if warranted. The EPA memorandum, issued August 10, 2021(attached), outlined currently available options for addressing the regulatory burden on generators and temporary solutions for RCRA permitted treatment, storage, and disposal facilities.*
* Question: Transfer Based Exclusion, specifically found in 40 CFR 261.4(a)(24)
* *Answer: Yes, as long as the requirements of 261.4(a)(24) (i) through 261.4(a)(24)(vii) are met, then any materials being transferred to a reclamation facility would be exempt from other RCRA rules.*
* Question: When is a container considered empty?
* *Answer: By EPA definition, an empty chemical container has been removed of all materials or liquids via pumping, pouring, or aspirating – down to every last drop, with no residual material able to be scraped or cleaned away. Containers that meet the empty standard are exempt from needing specialized management as a hazardous waste. Finally, a determination must be made as to whether the residue removed from the empty container is hazardous waste, acutely hazardous waste, or hazardous waste in compressed gas form.*
* ***NON-ACUTE*** *– RCRA regulations state that a container or inner liner removed from a container that held non-acute hazardous waste is qualified as RCRA-empty if: All wastes have been removed using commonly employed practices and no more than 1 inch of residue remains; or*

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1. *No more than 3% by weight of total capacity of the container remains (when container size is 110 gallons or less); or*
2. *No more than 0.3% by weight of total capacity of the container remains (when container size is 110 gallons or more)*
* ***ACUTE*** *- According to RCRA, a container or inner liner removed from a container that held acute hazardous waste qualifies as RCRA-empty if:*
1. *The container is triple rinsed with a material capable of removing acute waste or cleaned by another method that has been scientifically proven to achieve equivalent waste removal; or*
2. *The inner liner that prevented contact between the container and waste is removed.*
* ***COMPRESSED GAS FORM*** *– Any container holding hazardous waste in*compressed gas form*qualifies as empty when the pressure within the container approaches atmospheric pressure. If a container is NOT found to be RCRA-empty, any residues removed from the container must be managed as hazardous waste. This must comply with all federal hazardous waste storage and disposal regulations*
* Question: Due to the nature of business that results in damaged packages in unpredicted waste codes and waste codes that vary from year to year, are waste code entries such as “ALL-D”, “ALL-F” “ALL-U”, and “ALL-P” acceptable for hazardous waste generation sites?
* *Answer: While generic entries like those listed are accepted on the 8700, these types of entries do slow down the review and data entry process. As the generator is required to list items transported by their specific code (if applicable), it would be a Best Management Practice for the generator to be as specific as possible. The data entered is also part of the information confirmed during site inspections, so accuracy is important.*
* Question: Since containers that held acute hazardous wastes (specific example – pesticides) that have been triple-rinsed using a solvent capable of removing the HW are considered ‘empty’ and allowable for disposal as SW, does this mean that they can be recycled as well?
* *Answer: Yes, once they are triple rinsed, if the local government accepts that plastic type, usually HDPE, then the bottle can be recycled.*
* Question, Part 1: I have started a junk removal business and my local landfill will no longer accept drop-offs as I am now operating a business. Can you provide a list of local recyclers that would accept e-waste and other items?
* *Answer: The following websites are great resources for finding places to recycle various items in your area:*
* <https://earth911.com/>
* <https://www.call2recycle.org/>

* Question, Part 2: I have also come across small oxygen tanks (Medical D size) and partially filled refrigerant tanks (<15lbs) infrequently. Is there a concise guide on what I can and can’t transport without additional licenses?

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* *Answer: Oxygen tanks would be considered a hazardous waste when disposed. I recommend checking with your local Fire Marshal for information on how to manage/recycle oxygen tanks. Medical supply companies that sell oxygen tanks may be able to take them back.  Refrigerant tanks are not considered a hazardous waste, but the gas is regulated under the EPA air program and must be removed by a certified technician. The Department of Transportation likely does have requirements for transporting oxygen and/or refrigerant tanks.  You can find more information on transporting hazardous materials here:* [*https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center*](https://www.phmsa.dot.gov/standards-rulemaking/hazmat/hazardous-materials-information-center)
* ***Mailing Address:*** *Florida Health, 4052 Bald Cypress Way, Tallahassee, FL 32399*

*Consequently, DEP considers washwater generated from washing the exterior of ground pesticide applicator equipment would not be considered a hazardous waste under the mixture rule and would only be considered hazardous if the washwater exhibited one of the characteristics of a hazardous waste identified in Subpart C of Part 261 (i.e., ignitability, corrosivity, reactivity, or toxicity.*

* Question: I am writing regarding permits. I run a trash company and I would like to know do I need a permit to do biohazards and picking up trash?
* *Answer: Solid Waste permitting falls under the Department’s* [*Solid Waste Management*](https://floridadep.gov/waste/permitting-compliance-assistance/content/solid-waste-section) *program. Permitting, compliance, and enforcement issues associated with these sites are managed by the*[*DEP's district offices*](https://floridadep.gov/districts)*.* [*Source-Separated Organics Processing Facility (SOPF) Registration*](https://floridadep.gov/waste/permitting-compliance-assistance/content/registration-source-separated-organics-processing)*is required for yard trash processing facilities, facilities composting vegetative wastes, animal byproducts, or manure with or without yard trash, and manure blending operations.*

*The management and disposal of materials/wastes deemed to be biohazards fall under the discretion and regulatory compliance of the State of Florida Department of Health (DOH). They can be contacted at:* ***850-245-4444*** ***or*** *health@flhealth.gov*

* *Question:* Is the wash water generated from washing the exterior of pesticide applicator equipment exempted from RCRA regulations?
* *Answer: After a review of the Department's interpretation of the Florida Administrative Code (F.A.C.) and guidance provided by the USEPA, the Department sees no difference between washwaters generated from washing the exterior of aerial versus ground pesticide applicator equipment (e.g. trucks and service vehicles) and feels that it is logical that the interpretation issued in July 1985 by EPA should also extend to the washwaters generated from washing the exterior of ground applicator equipment. However, the rinse water generated from rinsing the containers is still considered hazardous waste under the mixture rule.*
* *Question: What information is available about the management of lead-acid batteries?*
* *Answer:*
	+ *Battery Requirements for Consumers, Manufacturers, and Sellers:* [*http://www.leg.state.fl.us/statutes/index.cfm?App\_mode=Display\_Statute&Search\_String=&URL=0400-0499/0403/Sections/0403.7192.html*](http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&Search_String=&URL=0400-0499/0403/Sections/0403.7192.html)
	+ *Lead-Acid Battery Fee:* [*https://www.flsenate.gov/Laws/Statutes/2019/403.7185*](https://www.flsenate.gov/Laws/Statutes/2019/403.7185)
	+ *FDEP Battery Page:* [*https://floridadep.gov/waste/permitting-compliance-assistance/content/battery-main-page*](https://floridadep.gov/waste/permitting-compliance-assistance/content/battery-main-page)

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## **I. PHOTOGRAPHIC WASTE –**

* Question: Is it sufficient for a facility to send the waste directly to the reclaimer and not be regulated under the relevant Hazardous Waste Rule(s)?
* *Answer: In the January 4, 1985, Federal Register (Vol. 50, No. 3), EPA stated that,"...reclaimed metals that are suitable for direct use or that only have to be refined to be usable, are products, not wastes." They further stated, "... this principle does not apply to wastes that have been processed minimally, or to materials that have been partially reclaimed but must be reclaimed further before recovery is completed." If the end product of the recovery process is high grade silver that can be directly introduced into the smelting process to produce silver bars without any intermediate treatment, the silver is considered a product, not a waste.*

*From the process information that we have on chemical (steel wool) recovery cartridges, the sludge produced by this type of recovery does not meet the definition of a product because further treatment is required to recover the silver from this sludge. It is the generator's responsibility to determine if a generated waste is hazardous, pursuant to 40 CFR 262.11, as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160) *If any waste stream that is produced during the silver recovery process which does not meet the reclaimed metals criteria is hazardous waste. If any waste is determined to be hazardous, then it must be managed pursuant to 40 CFR 266.70., as adopted by* [*Chapter 62-730.180(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.181)*.*

* Question: What kind of documentation will a facility need? Are receipts from the reclaimer sufficient?
* *Answer: The documentation requirements of the facility will depend on if the waste is hazardous and the volume of the hazardous waste generated. If the generator is a Very Small Quantity Generator (VSQG), a receipt from the reclaimer would be sufficient documentation for the generator. These generators should retain the receipt for a period of three years as a precautionary measure. If the generator is a Small Quantity Generator (SQG), a contractual agreement between the generator and the designated facility, pursuant to 40 CFR 262.20 (e)(1)-(2), as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)*, is adequate documentation. SQGs that do not have the contractual agreement mentioned before, and Large quantity generators (LQG) would have to manifest according to 40 CFR 262.20, as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)
* Question: What is an appropriate container for shipping photographic waste?
* *Answer: The transporter of the waste must ship the waste in a DOT-approved container. The Preamble to 40 CFR 263 states that, "transporters of hazardous waste are cautioned that DOT's regulations are fully applicable to their activities and enforceable by DOT." If the transporter receives the waste from a large quantity generator, or a non-contractual SQG, then all shipping requirements of 40 CFR 262-263, as adopted by* [*Chapter 62-730, F.A.C.*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730)*, are applicable. It should be noted, that as a precautionary measure the steel wool units must be flushed of all the fixer solution and refilled with water. Refilling the cartridges with water eliminates the possibility of fire due to oxidation.*

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* Question: What is the policy for dealing with used photographic developer?
* *Answer: Used developer would be treated as any other waste. It must be determined by the generator if the developer is hazardous. If the developer is determined to be hazardous, then it must be managed as hazardous waste, pursuant to 40 CFR 260-270, as adopted by* [*Chapter 62-730, F.A.C.*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730)
* Question: There are facilities reclaiming silver from photographic waste that use electrolytic units with steel wool tailing cartridges and a method of pH adjustment to allow for eventual discharge into sanitary sewers. These facilities are placed on a monthly monitoring program for these discharges. If the waste developer is brought back to the site, how can it be treated?
* *Answer: Several commercially available products on the market will safely extract the low silver content of the waste developer so that the facility meets the POTW (Publicly Owned Treatment Works) pre-treatment standards for silver, as well as COD (Chemical Oxygen Demand) and BOD (Biochemical Oxygen Demand) content.*
* Question: Can developer be mixed with fixer?
* *Answer: Yes, fixer can be mixed with developer, however, this is not recommended because fixer usually has, on average, 5000 ppm of silver, while the developer has, on average, 2.0-5.0 ppm silver. If the generator mixes developer with fixer, the resulting mixture could possibly be hazardous due to the high silver content. The generator would then have to add the developer to the hazardous waste count, which could jeopardize the VSQG or SQG status of the facility. However, if the developer is mixed with the fixer by the reclaimer prior to arriving at the reclamation facility, the reclaimer could be considered a generator of hazardous waste if the resulting mixture is found to be hazardous.*
* Question, **Part I**: What if a facility brings spent fixer back for electrolytic treatment and then replenishes or recharges for re-sale and distribution to the customers? Does this mean that the facility is distributing hazardous waste? Samples were collected from the treated waste(s) prior to the recharge and found to contain over 5.0 mg/l of silver.
* *Answer: No. Pursue to 40 CFR 261.2(e)(ii), as adopted by* [*Chapter 62-730.030(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030)*, a recycled material is not considered a solid waste, if it can be used or reused as an effective substitute for a commercial product. Since this recharged fixer is used in place of the virgin fixer, it would seem to fit this description.* ***However****, there needs to be proper documentation of this process, such as analytical testing of the fixer, in order to ensure that sham recycling is not occurring.*
* [**PART II**] Question: Would this facility have any other requirements?
* *Answer: Facilities like this must meet the proper requirements for treating this hazardous waste, pursuant to 40 CFR 261.6(a)(2)(iii) and 266. 70, as adopted by* [*Chapter 62-730.030(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030)

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* Question: If a photo-developer generates a waste stream containing more than 5ppm silver, is the waste automatically deems a hazardous waste?
* *Answer: Maybe. The 5ppm threshold limits is for the Toxicity Characteristics Leaching Procedure (TCLP) testing procedure. The waste streams must exhibit this level of silver under the conditions of this testing procedures to be classified as a hazardous waste. The Preamble to the TLCP testing procedure (40 CFR 261, Appendix II [1.3]) does state that,* ***“If an analysis of one of the liquid fractions of the TCLP extract indicates that a regulated compound is present at such high concentration that, even after accounting for dilution from the other fractions of the extracts, the concentration would be equal to or above the regulatory level for that compound, then the waste is hazardous and it is not necessary to analyze the remaining fractions of the extract.****”*

## **II. DRY CLEANER WASTE –**

* Question, **Part I**: Is the tetrachloroethylene (PCE) contaminated discharge from a dry cleaner’s vapor extraction system used to remove vapors from ironing presses listed as a hazardous waste?
* *Answer: No. There are three (3) PCE waste streams typically generated by dry-cleaning operations: Condensate from the normal drying and pressing of fabrics in the dry-cleaning machinery; condensate from the PCE recovery stills, and; condensate from the steam stripping of PCE filter cartridges. The first waste stream is a process waste that may become contaminated with PCE during processing. It is not subject to RCRA regulations unless it exhibits any hazardous waste characteristic (that is, if the PCE level exceeds 0.7 mg/L using the TCLP testing procedure then the waste stream would be hazardous). The second and third waste streams, the condensate from the distillation of PCE and the condensate from the steam stripping of PCE from dry-cleaning filter cartridges are hazardous wastes pursuant to 40 CFR 261.3 (c)(2)(i), as adopted by* [*Chapter 62-730.030(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030)*, because they are residues from the treatment of a listed hazardous waste (F002 waste per 40 CFR 261.31). These wastes must be managed as hazardous wastes pursuant to 40 CFR 260-270, as adopted by* [*Chapter 62-730, F.A.C.*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730)
* **[PART II]** Question: If the condensate is sent back to a boiler, would subsequent use in the presses be considered treatment or disposal?
* *Answer: If the condensate is sent back to a boiler, it will eventually be vented to the outside environment through the blowdown pipe. This would constitute “disposal of hazardous waste” only is the process waste from the boiler exhibited characteristic(s) of a hazardous waste (that is, it exceeded 0.7 mg/L of PCE when using the TCLP). Also, it would not be considered treatment, because the water is contacting the PCE during the normal process of pressing. The steam from the boiler would incidentally come into contact with the PCE from the dry-cleaning process. Since this water is involved in the pressing process and it is returned to the boiler, this would not be considered dilution, and therefore treatment, of a hazardous waste.*

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* **[PART III]** Question: Would this system meet the requirements of 40 CFR 265, Subpart I, as adopted by [Chapter 62-730.180(1), F.A.C](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.181).
* *Answer: No. In order for this system to meet the requirements of Subpart I, it would have to stay closed, except when adding or removing wastes. This system would not meet this requirement.*
* **[PART IV]** Question: What if the PCE levels of the recovered condensate exceed 0.7 mg/L as determined by TCLP, which they often do?
* *Answer: The waste generated that exceeds 0.7 mg/L would be considered hazardous waste pursuant to 40 CFR 261.24, as adopted by* [*Chapter 62-730.180(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.181)*., and it would have to managed pursuant to 40 CFR 260-270, as adopted by* [*Chapter 62-730, F.A.C.*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730)
* Question, **Part I**: Some dry-cleaning equipment presently being marketed takes a waste stream (likely to contain 0.7 ppm PCE), runs it through some filters that presumably reduces the PCE levels to less than 0.7 ppm PCE, and then evaporates the resulting wastewater. Is this treatment of a hazardous waste?
* *Answer: If the filters are connected directly to the dry-cleaning machine, so that the PCE contaminated waste streams reaches the filters through a hard pipe system, then this form of treatment would not need a RCRA permit, even if the wastewater is subsequently evaporated.*
* **[PART II]** Question: Would it matter if the waste container is vented to atmosphere (open) or not?
* *Answer: Yes. The waste stream could not be vented to the air until it has passed through the filters and the PCE levels have been reduced to less than 0.7 ppm. If the containers were vented to the air prior to reducing the PCE levels to less than 0.7 ppm, then the facilities would need TSD facility permits.*

## **III. AGRICULTURAL –**

* Question, **PART I:** We would like to know how RCRA regulates waste pesticides that are not D, P, or U-listed wastes. Frequently, we inspect storage sheds containing pesticides which: (1) have remained unused because of excess supply, (2) their registration has been cancelled, (3) the grower no longer grows a crop for which the pesticide has been registered usable, or (4) the label has become unidentifiable through improper or lengthy storage.
* *Answer: In order to determine the classification of the hazardous waste generating facility, all the quantities of hazardous waste from different waste sources are added. Based on the quantity generated, status of the facility (LQG, SQG, VSQG) will be determined. Particularly is this pesticide shed instance only the* ***D, P, and U*** *classified wastes would be added.*

*VSQG are those facilities that generate:*

*- Less than or equal to 100 kg/single month of hazardous waste, or*

*- Less than or equal to 1 kg/single month of acutely hazardous waste, or*

*- Can accumulate waste on site maximum 1000 kg.*

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* **[PART II]**: Question: If the waste pesticides are not D, P, or U-listed wastes, would analytical testing be required on each and every pesticide to determine if it is a RCRA waste?
* *Answer: If there is a Safety Data Sheet (SDS) with the pesticide, or if the pesticide still has a label that lists all of its constituents of the pesticides, then there would be no need for the testing. However, in the instances with the unidentifiable labels, the pesticides would have to undergo analytical testing if there were no other means of identification. Also, all D-classified wastes would have to undergo TCLP testing, since a D classification is for characteristic hazardous waste and not for listed hazardous waste.*
* Question: Under RCRA, what are the reporting and disposal (including absorbent material used to clean pesticide spills) requirements for farmers?
* *Answer: Pursuant to 40 CFR 262.70, as adopted by* [*Chapter 62-730.160(1), F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160)*, farmers are exempt from all the requirements of 40 CFR 262, 264, 265, 268, and 270 if they dispose of their waste residues by triple rinsing the empty pesticide containers and disposing of the rinsate in accordance to FIFRA label directions. If, however, the pesticide is spilled and cleaned up and is not usable for its originally intended purpose (crop or pest management), in accordance with FIFRA application rates, then the soils, residues and absorbents that are contaminated with the pesticide are subject to all the regulations and do not benefit from this exemption.*
* Question: Under the farmer exemption, are plant nurseries included in that exemption?
* *Answer: Yes. These facilities/businesses would confirm to the definition of a farmer and, therefore, would be eligible for this exemption.*
* Question: Are there any regulations under RCRA for handling plastic mulch, pots, or shade cloth with pesticide residue?
* *Answer: No. These items are not regulated under RCRA. These items may be rinsed and reused, and the rinse water would not be considered hazardous waste.*
* Question: Is a State License needed to haul Livestock Waste?
* *Answer: No; DEP doesn’t regulate the hauler themselves but does regulate the solid waste management facilities that take the livestock waste for the production of compost in accordance with* [*Chapter 62-709.320, F.A.C*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-709)*. However, some cities do have local Regulations and require registration and permits.*

## **IV. EXEMPTED WASTES–**

* Question: Can solvent-contaminated wipes, being managed as Excluded Solvent-Contaminated Wipes per 40 CFR 261.4(b)(18), be disposed of in a bag in a Municipal Solid Waste Landfill?
* *Answer: Yes, provided the bag meets the conditions of the exclusion (I.e., closed, labeled, and contains no free liquids).*
* Question: What does the exclusion in 40 CFR 261.4(c) mean?

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* *Answer: 40 CFR 261.4(c), as adopted by* [*Chapter 62-730.180(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.181)*., discusses the scenario where during the storage, or the transportation of a product or raw material in a transport vehicle or pipeline, certain chemical or physical changes might occur to the product (or raw material) such as decomposition, that would alter the composition of small portions of the product. Certain by-products of these changes might eventually be deemed hazardous waste. However, they would not be considered hazardous until such time that they are removed from the storage tank, transportation vehicle or are pumped out of the pipeline In other words, even though there is hazardous waste in the storage tank, transport vehicle or pipeline these containers would not need to be permitted since the hazardous waste is an unintended by-product of the product or raw material.*

*Also, any hazardous waste that is generated as a by-product in the manufacturing of a product would not be considered hazardous waste until it left the process stream. The intent of this part of the regulation is such that the manufacturing equipment would not have to be permitted as a storage or treatment unit under RCRA.*

*The next part of 40 CFR 261.4 (c) deals with abandoned products, by-products or raw materials. If these by-products, products, or raw materials sit in the storage tanks, transport vehicles, pipelines, or in the manufacturing equipment for more than 90 days after the unit ceases to be used for the manufacturing, storage or transportation of the product or raw material, then it would be considered hazardous waste, even though it is still inside the vehicle. Lastly, this exemption does not apply if the storage or manufacture unit is a surface impoundment.*

* Question: Please explain solvent mixtures and the 10% Rule and how hazardous waste determinations made in this case?
* *Answer: In order for a waste to meet the criteria of a spent solvent mixture/blend, the solvent must include, before use, a total of 10% or more of those solvent constituents listed under the Hazardous Waste numbers F001, F002, F004, and F005. Where a solvent mixture blend (****before use****) contains an F003 listed solvent and an F001, F002, F004, or F005 solvent constituents, it would not constitute a listed hazardous waste unless the total of all F001, F002, F004, and F005 constituents meets the 10% threshold. Lastly, in order for the waste to meet the criteria of an F003 spent solvent mixture/blend it must include,* ***before use****, only solvent constituents listed under the F003 hazardous waste code. However, USEPA does not intend to exclude such mixtures from regulations where non-F003 constituents are present as contaminants in the virgin products.*
* Question: What is the difference between recycling and reclaiming?
* *Answer: Pursuant to 40 CFR 261.1(c)(7), as adopted by* [*Chapter 62-730.180(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.181)*.; a material is “recycled” if it is used, reused, or reclaimed. Use and reuse is detailed in 40 CFR 261.1(c)(5). 40 CFR 261.1(c)(4) defines “reclaim” if the material is processed to recover a useable product, or if it is regenerated. Examples are recovery of lead values from spent batteries and regeneration of spent solvents.*

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* What is the Mixture/Derived Rule?
* *Answer: The Mixture rule provides that any mixture of a listed hazardous waste and a solid waste is itself a RCRA hazardous waste. The exception to this rule is a mixture of solid waste and a waste that is listed solely because it exhibits a characteristic of hazardous waste. If such a mixture does not exhibit any characteristic of hazardous waste, the mixture is not defined as hazardous [40 CFR 261.3, as adopted by* [*Chapter 62-730.180(1), F.A.C*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.181)*.)*

*The Derived Rule [40 CFR 261.3(c)(2)(i)] states that any waste derived from the treatment, storage, or disposal of a listed hazardous waste is hazardous.*

* Question: What is the interpretation of what constitutes “at or near the point of generation” at satellite accumulation points/areas (SAA)?
* Answer: The SAA provisions of 40 CFR 262.34, as adopted by [Chapter 62-730.160(1), F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.160), allow the accumulation of limited quantities of HW before beginning the 90-day accumulation time period. A generator may accumulate as much as 55 gallons of hazardous waste, or one quart of acutely hazardous waste, in containers at or near any point of generation where wastes initially accumulate, and which is under the control of the operator of the process generating the waste. Waste may be accumulated in the satellite area until the quantity limits are reached.

No storage time limit applies to the waste held in the satellite accumulation unit so long as the volume limits are not exceeded. On the day that the quantity limits are reached (i.e., 55 gallons of hazardous waste or one quart of acutely hazardous waste), the date must be recorded on the container, and within three days of that date the container must be moved to a 90-day accumulation unit or to a permitted or interim status unit. For wastes placed in an accumulation unit or moved to an accumulation area, the 90-day accumulation time period begins when the waste is placed in the accumulation unit or area.

* Question: Interpretation of who is the operator of the process generating the waste (i.e., Is a supervisor or person in the shop who does not actually generate the waste considered to be an operator?)
* *Answer: Based on the definition of “operator” in 40 CFR Part 261.10, operator means the person responsible for the overall operation of a facility. We believe that operator is also the person who can make the major decisions at the facility. EPA believe that an operator requires some degree of participation in the management of the facility or authority to make decisions regarding the handling or disposal of hazardous substances. Non-management workers of a plant would typically not fall under the definition of an operator.*
* Question: Interpretation of how many SAA points can be in one industrial area (e.g. corrosion control)?
* *Answer: Although the total amount of HW that may be accumulated at any one SAA is limited to no more than 55 gallons, USEPA and the Department do not limit the total number of SAA’s at a generator’s facility. A case-by-case analysis is necessary to determine whether a generator is accumulating more than 55 gallons of waste at one SAA, or whether a generator has more than one Satellite Accumulation Area.*

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* Question: Interpretation of any media or other waste(s) generated during the petroleum contamination cleanup at a site which may contain chlorinated solvents? NOTE: Site is conducting correction action in accordance with [40 CFR 280](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-280?toc=1) and Chapter 62-770, F.A.C., as replaced by [Chapter 62-780, F.A.C.(2/2/17)](https://www.flrules.org/gateway/readFile.asp?sid=0&tid=0&cno=62-780&caid=1111928&type=4&file=62-780.doc)
* *Answer: The USEPA and the Department agree that petroleum-contaminated media and debris that fail the test for the Toxicity Characteristics of 40 CFR 261.24 (HW D-Codes D018-D043 only), as adopted in* [*Chapter 62-730.030, F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030)*, and subject to the corrective actions under 40 CFR 280 are excluded from the definition of hazardous waste.*

# USED OIL

[Chapter 62-710, F.A.C.](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-710), [40 CFR 279](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-279)

* Question: A facility visited by a compliance consultant was told that FDEP has a new program recommending TCLP Metal testing for oily water separators. Is this part of the Used Oil Rule?
* *Answer: This is a reference to the Solid Waste (SW) portion of a combination SW/Used Oil Permit.*
* Question: I am an out-of-state Used Oil Transporter and my Insurance Provider states that they use a 15-day cancellation notice versus the 30-day as required in Chapter 62-710.600(2)(e)1.?
* *Answer: Providers of the required insurance must comply with the requirements of detailed on the DEP Form 62-730.900(5)(a).*
* Question: Is analysis for the four (4) metals – Arsenic, Cadmium, Chromium, and Lead – sufficient for waste oil sludge or analysis for all eight (8) RCRA metals required?
* *Answer: The Department and the USEPA require analysis for TCLP for all eight RCRA metals listed in 40 CFR 261.24 (Table-1), as adopted by* [*Chapter 62-710*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-710) *and* [*62-730, F.A.C*](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730)*.*
* Question: How does the Used Oil Rule apply to homeowners and/or auto repair businesses operated from a private residence (licensed or unlicensed)?
* *Answer: According to Chapter 62-710.401,F.A.C., Prohibitions:*

(1) No person may collect, transport, store, recycle, use, or dispose of used oil, used oil filters or oily wastes except as authorized in this chapter or in chapter 403, F.S.

(2) No person may discharge used oil into soils, sewers, drainage systems, septic tanks, surface or ground waters, watercourses, or marine waters.

(3) Except as provided herein, no person may mix or commingle used oil with solid waste that is to be disposed of in landfills or directly dispose of used oil in landfills.

(a) Oily wastes, sorbents or other materials used for maintenance or to clean up or contain spills or releases of used oil, and soils contaminated with used oil as a result of spills or releases are not subject to this prohibition. In some cases, other Department rules, local ordinances, or landfill policies may prohibit the disposal of such materials.

(b) Any person wishing to dispose of solid waste mixed with used oil in a landfill which is otherwise prohibited by this subsection may apply to the Department for approval of alternate procedures in accordance with rule 62-701.310, F.A.C. If the basis for the request is that it is impractical to separate the used oil from the solid waste, the request may be submitted without a fee.

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(c) Any person who unknowingly disposes into a landfill any used oil, including used oil filters which have not been properly segregated or separated from other solid wastes by the generator, is not guilty of a violation under this subsection. This provision is applicable to landfill operators who unknowingly accept such wastes for disposal.

(4) Notwithstanding the provisions found in 40 C.F.R. 279.10(b)(3), no person may mix or commingle used oil with hazardous substances that make it unsuitable for recycling or beneficial use.

(5) Used oil shall not be used for road or pavement oiling for dust control, weed abatement, or other similar uses that have the potential to release used oil into the environment.

(6) No person may store used oil in tanks or containers unless they are clearly labeled with the words “used oil,” are in good condition (no severe rusting, apparent structural defects or deterioration), and not leaking (no visible leaks). If tanks or containers are not stored inside a structure, the contents shall be closed, covered or otherwise protected from the weather. If tanks or containers are not double-walled, they shall be stored on an oil-impermeable surface such as sealed concrete or asphalt, and must have secondary containment which has the capacity to hold 110% of the volume of the largest tank or container within the containment area. For underground storage tanks with capacities greater than 110 gallons and above ground storage tanks with capacities greater than 550 gallons, the facility shall comply with chapters 62-761 and 62-762, F.A.C.

* Question: **We have a client that generates quantities of used oil absorbents (oil dry, pads, and booms). They average approximately one 55-gallon drum per month. On the "Used Oil Management Fact Sheet" from DEP, it states that "de minimis" quantities can be landfilled. What constitutes a "de minimis" quantity? Could they, for example, simply sweep up any oil dry or pads used to clean up a spill and toss them in the dumpster on a daily basis? They believe this is the case but have asked us for clarification. Any assistance would be appreciated**?
* *Answer: In reference to what constitutes de minimus (a small amount) quantities that can be landfilled, it is no more than 25 gallons.  The dry oil can be landfilled (that is, place in your trash or dumpster) provided that, it is not prohibited in other department rules or local ordinances, it is the result of minor leaks or spills from normal operations and all-free flowing oil has been removed to the practical extent possible. With regards to your daily operation, make sure to double bag the dry oil/pads or use small containers in the event the dumpster is to open to the weather.*
* Question: Does FDEP require that the free liquid from the drum of oily waste that the contractor picks up be separated and documentation provided for both the disposal of the oil and “solid waste” separately? For example, a drum has used waste oil with some used gloves/rags/absorbent material mixed with used oil. In summary - as a used oil permitted facility, does material shipped off-site (properly picked -up by a designated contractor) as oily waste allowed to contain free-flowing liquids in the same drum?
* *Answer: Yes, if all possible. The used oil should not be mixed with solid waste. Gloves, rags, and absorbents should be free of flowing liquids and properly managed. I have attached our brochure on spent solvents. No, they should be separated. Otherwise, it would be impossible to recycle the used oil so it would have to be disposed of which require a hazardous waste determination.*

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# PHARMACEUTICAL HAZARDOUS WASTE

40 CFR 266.501-510 ([Subpart P](https://www.federalregister.gov/citation/84-FR-5940))

* Question: Can I take my unwanted medicine to my pharmacy?
* *Answer: Federal regulations as adopted by the State of Florida allow pharmacies to have collection programs. Individuals should check with their prescribing pharmacies to see if this option is available. If not, consider asking the pharmacy to start a collection program.*
* Question: How does a facility set up a prescription drop-off collection box?
* *Answer: Contact the DEA’s* [*Drug Disposal Information*](https://www.deadiversion.usdoj.gov/drug_disposal/index.html) *website.*
* Question: Can I take my unwanted medicine to a hospital?
* *Answer: Federal regulations as adopted by the State of Florida allow hospitals to have collection programs. Individuals should check with their prescribing pharmacies to see if this option is available. If not, consider asking the pharmacy to start a collection program.*
* Question: Can I take my unwanted medicine to my doctor?
* *Answer: In most cases, individual doctors will not be able to take them back. If the doctor is located in a hospital with a collection program, the doctor will be able to direct you to the collection container.*
* Question: Can I donate my unwanted medicine?
* *Answer: In most cases, this is not allowed*
* Question: Can I put my unwanted medicine in my SHARPS container?
* *Answer: No, medicine should not be disposed of in your SHARPS container. For information on SHARPS disposal see* [*Needle Collection Programs*](http://www.floridahealth.gov/environmental-health/biomedical-waste/needle-collection-programs.html)
* Question: Does pharmaceutical waste generated at a prison fall under the Household Hazardous Waste?
* *Answer: If a prison is a VSQG when counting all of its HW, then they wouldn’t have to notify under Subpart P as a healthcare facility [40 CFR 266.501.]*
	+ *Additionally, if the prison has a clinic/hospital it would classify as a Health Care Facility (HCF) and would be considered Hazardous Waste – Pharmaceutical (HWP). Notification would be determined by the generator status.*
	+ *The medication being “obtained” by the prisoners is via a controlled environment where various waste streams are monitored.*
* Question: Epinephrine (Epi) appears on the P list of hazardous waste. How should partially used irrigation bags be disposed? Can the left-over epi be placed down the drain since it has been diluted in saline?
* *Answer: It should NOT be put down the drain. An IV bag that is not empty, must be placed with its remaining hazardous waste pharmaceuticals into a container that is managed and disposed of as a noncreditable hazardous waste pharmaceutical (the bag itself is now a Hazardous Waste and should be Managed & Disposed of as HW).*

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* Question: Warfarin is listed as a P-rated pharmaceutical and opened and full bottles for return are acutely hazardous and must be returned via hazardous disposal waste but can empty warfarin bottles be discarded in the regular trash?
* *Answer: According to Chapter 62-730.030, F.A.C. and 40 CFR Part 261.7(b)(3), P-listed wastes such as warfarin and their containers must be managed as Hazardous Waste. Technically, empty containers of P-listed wastes can be disposed of as regular solid waste as long as they have been tripled-rinsed and the accumulated rinsate is then managed as the hazardous waste.*

*As this is not a practical option for most healthcare facilities and pharmacies, the Department and USEPA recommendation is to manage empty containers as hazardous waste.*

* Question: How would you dispose of IV chemotherapy sets that have been used for their intended purpose?
* *Answer: Since the IV sets have been used for their intended purpose and in these instances only contain residues of U-listed compounds that are not acutely toxic, the Department agrees that they would be considered “Infectious Waste” and not “Hazardous Waste”. As such, the used sets should be disposed in accordance with the State of Florida Department of Health infectious Waste Standards (Chapter 64E-16, F.A.C.)*

*Any unused and discarded formulations prepped for use but not administered would need to be disposed of in accordance with Chapter 62-730.181, F.A.C. and the referenced 40 CFR Part 266 (Subpart P)*

* Question: 40 C.F.R. § 266.510(a)(9) requires reverse distributors to submit any unauthorized waste reports if the reverse distributor receives waste from off site that it is not authorized to receive (e.g., non-pharmaceutical hazardous waste, regulated medical waste). Does the State of Florida have any additional requirements?
* *Answer: The required notifications must be submitted to the Department as EPA has authorized the State of Florida in general and the Department, specifically, to administer the RCRA Compliance program. All requirements as detailed in the CFR (e.g., time frame, format) must be complied with in notifications to the Department.*

* Question: Can drug deactivation / sequestration systems be used by health care facilities, such as school clinics, for disposing pharmaceutical waste into the regular garbage?
* *Answer: Drug sequestration units are often marketed to healthcare facilities for the collection of leftover pharmaceuticals. As far as the Drug Enforcement Agency is concerned, these sequestration units meet their non-retrievable standard; therefore, controlled substances may be placed in sequestration units and discarded in the trash. If a healthcare facility uses the sequestration unit only for collecting controlled substances that are not RCRA hazardous wastes, the unit may go in the trash—but this is an unlikely scenario.*

*Hazardous waste pharmaceuticals may not be put in the trash, even inside of a sequestration unit. If hazardous waste pharms are collected in a sequestration unit, the unit would be subject to the 40 CFR part 266 subpart P container standards during accumulation and pre-transportation, and the unit must go to a hazardous waste combustor for treatment, and then to a hazardous waste landfill for disposal.  For additional information, please see the EPA’s website:*[*https://www.epa.gov/hwgenerators/frequent-questions-about-management-standards-hazardous-waste-pharmaceuticals-and#h4*](https://www.epa.gov/hwgenerators/frequent-questions-about-management-standards-hazardous-waste-pharmaceuticals-and#h4)

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# UNIVERSAL WASTE

[Chapter 62-730.185, F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.185), [FR 84 #236 09Dec2019](https://www.govinfo.gov/content/pkg/FR-2019-12-09/pdf/2019-25674.pdf)

* Question: I have a quick question regarding universal waste regulations on fluorescent light bulbs.  Fluorescent lights are only universal waste if the bulbs are intact, correct?  Once the bulb is broken, universal waste regulations no longer apply and the bulbs cannot be shipped as universal waste, correct?
* *Answer: Mercury-Containing Lamps (MCL)s include primarily fluorescent lamps of all types, high-intensity discharge (HID) lamps (e.g., metal halide, mercury vapor, and high-pressure sodium), and some neon lights. All of these lamps contain mercury in varying quantities. MCLs from households and other residential sources are not included in the following definition under Florida law and thus are exempt from Florida's regulations covering MCLs.*

*Under Florida's law for MCLs and MCDs,*[*Section 403.7186, F.S*](http://secure-web.cisco.com/1s8zrsc1vFrM8Ps2FfZEP9N1xmGJyU8GatDKcXc6dkF9OtOFj_GTMn8ZtK9qxbFs2LkH-XilQp5_-QMVbeJbMCXN1-noyqI9lJJYQTscponiQ5SlUfVg7jsYYi_LR7MEub5Uoy8Wme3LcZLrOgiNGoqhlt49AJ7CQENH4VO0vdRNmpQl6lPocUElGLI29dYi_0fv7t37l9FD-J0DCDnLqa-iMX4_DPAWMDnmY82wkSejZPnMFBeXqs1j6xbwHNuUblIStJu0mXhO48-w3RT9fk8IIqixqGp-ah__G982jFVHhO_vThhC_J2EcpidXmzjT/http%3A//www.leg.state.fl.us/Statutes/index.cfm)***.,****"Environmentally sound management of mercury-containing devices and lamps," MCLs are defined as "any type of high or low-pressure lighting device which contains mercury and generates light through the discharge of electricity either directly or through a fluorescing coating. The term lamp includes, but is not limited to, fluorescent lamps, mercury lamps, metal halide lamps, and high-pressure sodium lamps. The term excludes mercury-containing lamps used in residential applications and disposed of as part of ordinary household waste." Once the ‘container’ is broken, the lamp falls into the RCRA definition of TOXIC found in* [*40 CFR 261.24*](https://secure-web.cisco.com/1lj8jOvCfXlIxUISw1O-I8cMkdGBh6rvefKzWEscgz_h9WRvmP9UciWVX5aWZ9loAgA2lNeyV5Z3zlfp9isqqRN-4KJ_ZKar2oxdTne-xk7YVxsJlhMKwsZWNuR4wyWfH0iYx4YA-58vvy-PQNprbvccO3qsFOBRj5jZBuDtaP2OJBdlxwe4uoLD7HWLXIyoepmOXHR8ndgW4ya17HO1Stlx0IJoXECNHZ72baN5csSfuuuhZQWznmwi3dwlYLGrQMFvCgEECk1ejp50hbuTziOVp_8qkG9Om5u6be0TEFQVfipre92laXdivinVRM9Hb/https%3A//www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-C/section-261.22)*, as adopted by* [*Chapter 62-730, F.A.C.*](https://secure-web.cisco.com/1G24I_GlLMFfG88240TY5qcHMuqv5HjX7jeRf7an2GEEZSm7s5ABCcA-xChbC5v-lzvxFRcZXybcqY5pjEf6dfjv5PQ2nEoolvI5qjfKN_wEX0gqDRsqq8FQ6bspkQvIwv9ukQP_dxeKcB8eo_iHU9eHK6beG4KOy112k2Aq1E2HCAS4f47qvg9gCcWSBb-2g_7FfjEtDDTvuLzNfKKOpvVoVMMp7iLyTObFdJd1uuMnjrvWfhgACBarLzHg7ldLBMxHYSLsS_D3mZ6z-OlsbMAwzm0JdhqjWgtJgGF1goRWKro12zyXTrggtJB4e2FFB/https%3A//www.flrules.org/gateway/ChapterHome.asp) *(Florida Administrative Code). As such, the material must be treated as hazardous waste under RCRA Waste Code D009. However, if the accumulated waste tests less than 0.2mg/l of soluble mercury, then it is not considered hazardous under federal rules.*

*The State of Florida does allow for the crushing of light bulbs as long as the recovery, retention, and disposal of the accumulated mercury complies with RCRA and the Clean Air Act.*

* *Due to mercury concerns, recycling fluorescent bulbs is required by the Florida Dept. of Environmental Protection for non-household facilities that generate 10 or more bulbs per month*
* *Crushing fluorescent bulbs is allowed in Florida*
* *Crushed bulbs are considered universal waste in Florida*
* *Prepaid bulb recycling by mail is allowed in Florida*
* Question: Where can electronics be taken for recycling?
* *Answer: The following website are great resources for finding places to recycle various items, including electronics:* [*https://earth911.com/*](https://earth911.com/)[*https://www.call2recycle.org/*](https://www.call2recycle.org/)
* Question: Does the State of Florida have a program for the disposal of EV batteries?
* *Answer: Currently the Department does not have a program specific to EV batteries. Proper disposal is the owner’s responsibility. In some cases, the battery or vehicle vendor has a take back program that would be detailed in the sales agreement.*
* Question: How should waste EV (vehicle) batteries be managed in Florida?
* *Answer: The waste EV batteries are considered to be Hazardous Waste and must be removed by a registered HW Transporter and taken to a permitted transfer, storage, or disposal (TSD) facility. A list of certified* [*HW Transporters*](https://secure-web.cisco.com/10oEOhvMWcQWxt6Z1hsIPWWJXhxVojKtMKRREpZFGq21QEcCrmlVvClIaXnq2eljMWH5m-uDbx52r33w1hBgjBk2i9Ti9kN95CTVDrOw39FCZKnG368za7nRNFaQEjY1sMlCzVbxxtVcFIJa4ypHvv8CKs4CyS3LQDdIwSXqP9cbp0JpkIFmDQ8F44AfgZhJA-338kBlDpcWv7xOosWwK06r8lJaiymFNsl2t2OGuDuA80y6cHTdcaJRf2OjglhYprMTcy973KVUwh62mZRB6bgwC0UlyvT5UAYoTlfkCEo6Vm0OFcUjTmHQDeQrH8qlP/https%3A//floridadep.gov/waste/permitting-compliance-assistance/content/transporters-hazardous-and-universal-wastes) *can be found by clinking the included link.*

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* Question: Are lithium batteries hazardous waste?
* *Answer: When they are disposed, most lithium-ion (secondary batteries) and lithium primary batteries in use today are likely to be hazardous waste due to ignitability and reactivity (D001 and D003). With the exception of households, generators of lithium battery hazardous waste are responsible for determining whether the spent lithium batteries they generate are hazardous waste and, if they are, the generators need to manage the batteries accordingly under hazardous waste requirements. (See Question #5 for information on safe household battery management.)*

*There are a wide variety of lithium battery chemistries used in different applications, and this variability may impact whether a given battery exhibits a hazardous characteristic. Lithium batteries with different chemical compositions can appear nearly identical yet have different properties (e.g., energy density). In addition, other aspects of a battery’s design beyond simply the chemistry can also impact its likelihood to be ignitable and/or reactive and pose a hazard during end-of-life management. Some discarded lithium batteries are more likely to have hazardous characteristics if they contain a significant charge, yet such batteries can appear to the user to be completely discharged.*

*In addition, the design of advanced batteries used in electronics, energy storage, and electric vehicles will continue to evolve and may result in new chemistries that become common in use and that will have to be evaluated for potential hazards at end of life.*

*For these reasons, it can be difficult for a generator to identify which of its used lithium batteries are hazardous waste when disposed. Therefore, EPA recommends that all lithium batteries be managed with care during use and at end of life and that businesses consider managing all of their used lithium batteries as hazardous waste under the federal “universal waste” regulations in* [*Title 40 of the Code of Federal Regulations (CFR) part 273*](http://www.flrules.org/Gateway/reference.asp?No=Ref-12297) *as adopted by* [*Chapter 26-730.185, F.A.C.*](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.185)

* Question: Can a damaged, defective, or recalled (DDR) battery be managed under universal waste?
* *Answer: A handler of universal waste may only manage broken or damaged hazardous waste batteries as universal wastes if the breakage or damage does not constitute a breach in an individual cell casing. The definition of battery in 40 CFR 273.9 does not explicitly state that all batteries must be whole; however, the definition includes an intact, unbroken battery from which the electrolyte has been removed (*[*60 FR 25492, 25504; May 11, 1995*](https://www.govinfo.gov/content/pkg/FR-1995-05-11/pdf/95-11143.pdf)*). Additionally, the requirements for handlers of universal waste allow certain management activities, such as sorting and mixing batteries, provided the batteries or cell casings are not breached and remain intact (sections 273.13(a)(2) and 273.33(a)(2)). The disassembly of a battery pack into individual modules or cells with no damage done to the cell casing does not make a battery damaged or defective.*

*Damaged, defective, or recalled (DDR) batteries may not be transported by air. In addition, they must comply with specific Department of Transportation (DOT) packaging requirements found at 49 CFR 173.185(f).*

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# INSPECTIONS

[Chapter 62-730, F.A.C.](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730), [40 CFR 261](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261)

* Question: When it comes to hazardous waste management by retail companies, is utilizing a scanner system in conjunction with a Retail database to determine the hazardous/non-hazardous nature of damaged products consider a valid method or is it illegal?
* Answer: In compliance with 40 CFR 261 as adopted by [Chapter 62-730.030, F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.030), the Department operates with the regulatory understanding that the onus is on the generating facility/Retail Company to conduct waste determinations of all their potential wastes.  As these facilities rely on their scanning systems, it is in the Retail Company’s best interest to ensure that the information in these systems is both correct and complete to ensure that any products that become wastes are properly sorted, stored while on site and shipped with all applicable waste codes.

Retail Companies should conduct periodic reviews of their waste profiles and waste codes and update these as need to include updating their scanning systems and container management systems as they add new products or when product formulations change.  While Retail Companies can enlist the assistance of their waste brokers/waste contractors to achieve this purpose, they absolutely should not rely solely on their waste brokers/waste contractors.

The Department has cited and will continue to cite violations when discrepancies with waste codes/waste profiles are found when conducting inspections at retail facilities.  When such issues are identified, it is the Department’s expectation that the Retail Company will make the required changes to their waste profiles and scanning system.

* Question:
* *Answer*

# ENFORCEMENT

[Chapter 62-730, F.A.C.](https://www.flrules.org/gateway/ChapterHome.asp?Chapter=62-730), [40 CFR 261](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261)

* Question:
* *Answer*

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# HOUSEHOLD HAZARDOUS WASTE

[40 CFR 261.4(b)(1)](https://www.ecfr.gov/cgi-bin/text-idx?SID=f320a854985c3080311cada749f613f0&mc=true&node=pt40.26.261&rgn=div5#se40.26.261_14).



* Question: Is potentially hazardous or clearly hazardous waste generated by a homeowner regulated by the State of Florida?
* *Answer: Hazardous waste exhibits one or more characteristics of ignitability, corrosivity, reactivity or toxicity, making it dangerous. Paint products, pool chemicals, household cleaners and pesticides are typical examples. When disposed of in the municipal solid waste stream or otherwise improperly managed, these materials have the potential of contaminating the ground water - our drinking water supply.*

*Under RCRA, household hazardous waste—waste generated by normal household activities such as routine house and yard maintenance—is excluded from the definition of hazardous waste and is not regulated by federal hazardous waste rules as long as it is not mixed with non-household waste. Wastes covered by the household hazardous waste exclusion must satisfy two criteria:*

*(i) The waste must be generated by individuals on the premise of a temporary or permanent residence, and*

*(ii) The waste stream must be composed primarily of materials found in wastes generated by consumers in their homes*

*The government does not regulate hazardous wastes generated in the home. In Florida, household hazardous waste collection centers have been established in most communities. Every*[*county in the state of Florida has a household hazardous waste (HHW) program*](https://floridadep.gov/waste/permitting-compliance-assistance/documents/florida-county-household-hazardous-waste-contacts)*. These programs include permanent collection facilities (one or multiple, staffed and unstaffed), collection events (regularly scheduled or once/twice a year events) and even a few curbside collections.*

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* Question: Where can individuals dispose of unwanted/expired medications?
* *Answer: Participate in a DEA Prescription Drug Take Back event (*[*https://www.dea.gov/takebackday*](https://www.dea.gov/takebackday)*), take them to a participating Walgreens (*[*https://www.walgreens.com/storelocator/find.jsp?RxDisposal=true*](https://www.walgreens.com/storelocator/find.jsp?RxDisposal=true)*), or put them in the trash (least desirable option): Keep medicine in the original container, use a marker to remove name and prescription number from the label, add water or soda to pills to start dissolving them, or add cat litter or sand to liquids; secure the lid tightly and seal with duct tape; place all medicine in a dark container such as a coffee can and tape that container closed; hid the container in the trash.*
* Question: [HHW Program] Does your program open and combine partial buckets of chlorine tablets? If so, what kind of procedures do you have?  I am thinking about things like PPE (respirator) and combining outside rather than inside the facility.
* *Answer: It depends on the quantity of the product in use and the duration of the task (the dose makes the poison).*

*As shown on the Risk Assessment below, general ventilation such as natural ventilation from doors and windows is sufficient as a control measure to fill two (2) twenty (20) lbs. buckets with tablets in a two-week period. This assessment is based on the quantity of tablets we receive in Collier County prior to transportation by our Hazardous Waste Hauler.*

*However, if you are transferring the equivalent of a fifty-five (55) gallon drum of the product every day, you must install engineering controls such as exhaust ventilation to reduce exposure to employees. Until such controls are in place, or if they are not effective or feasible, administrative measures and personal protective equipment (e.g. respirator) may be needed.*

* Question: Does the Department agree with the February 28, 1995 interpretations of 40 CFR 261.4(b)(1) as if refers to the handling, shipment, and disposal of household appliances and components removed from residences during routine maintenance and repair services?
* *Answer: Yes. 40 CFR 261.4(b)(1), as adopted by Chapter 62-730.030(1), F.A.C., defines “household waste” as any material derived from households. Since the thermostat component from the oven was installed in a home, it is household waste when removed. There is no significant difference between removal of the thermostat component from an oven by the contractor and ones removed by a homeowner on his initiative. Therefore, our Department concurs with the USEPA's opinion that the household hazardous waste exclusion would apply to the thermostat component and not subject to the RCRA hazardous waste regulations pursuant to 40 CFR Part 261.4(b)(1).*
* Question: Are electric vehicle (EV) batteries considered household hazardous waste?
* *Answer: It is the determination of the US EPA and the State of Florida DEP that EV batteries removed at a dealership, an auto shop, a scrap yard, or a similar type of facility are not household hazardous waste.*

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# RCRA BIENNIAL HAZARDOUS WASTE REPORTING SYSTEMS

[Chapter 62-730.220, F.A.C.](https://www.flrules.org/gateway/RuleNo.asp?title=HAZARDOUS%20WASTE&ID=62-730.220), [40 CFR 270.11](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-270/subpart-B/section-270.11), [40 CFR 264.41](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-262/subpart-D/section-262.41), [40 CFR 264.75](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-264/subpart-E/section-264.75), [40 CFR 265.75](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-265/subpart-E/section-265.75)

* Question: What if we did not ship a specific waste during the current biennial year that was shipped in the last biennial reporting year?
* *Answer: The Preparer can either not bring in 2019 data and enter only the relevant 2021 data* ***OR*** *place “0” in the quantities section of the 2019 data brought into the 2021 report. Quantities are not included in the historic data when added automatically via a data pull.*
* Question: We received the new EPA ID for large quantity generator on January 13, 2022. The letter is dated 11/10/2021, do we qualify for this year's submission?
* *Answer: The 2021 Biennial Report is for any LQG or TSDF that generated or treated hazardous waste during the 2021 CY.*

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* Question: If our site is or was an SQG and had an episodic event in 2021 are we required to file the Biennial report?
* *Answer: Facilities with hazardous waste generation events that met the regulatory requirements for episodic events as defined in 40 C.F.R. 262 Subpart L & in compliance with the* [*Department’s Episodic Event Standard Operating Procedures (SOP)*](https://floridadep.gov/sites/default/files/Final_episodic_events_SOP_29Mar21.pdf) *dated March 29, 2021, are not required to submit a Biennial Report. However, if waste accumulation events did not meet these standards, the facility is required to submit a change of generator status to the Department using the* [*Notification Form 8700-12FL*](https://floridadep.gov/waste/permitting-compliance-assistance/forms/8700-12fl-florida-notification-regulated-waste-activity) *with the change in generator status resulting from the increased amount of waste generated. If this change resulted in an LQG status during 2021, then a Biennial Report is required in 2022.*
* Question: Can the Biennial Report Preparer and Site Manager/Certifier use the same RCRAInfo Account?
* *Answer: No, you will want to keep accounts separate for security purposes/best business practices. As a Site Manager/ Certifier you may need to complete electronic identity proofing, which will require personal information such as your home mailing address and SSN. You will also need to answer 5 security questions as part of the electronic signature agreement. This is private information you will not want to share.*
* Question: Does HW that has been recycled need to be reported?

Answer: *Yes, generators need to report if they treated, stored, recycled, or disposed of RCRA hazardous wastes (HW) on-site or shipped hazardous waste offsite to a RCRA permitted treatment, storage, recycling and disposal facility, or received HW from off-site generators without storing the wastes before recycling during a biennial year.*

*RCRA Subtitle C clarifies it as either –*

* *you are a facility that recycles hazardous waste* ***without*** *a RCRA permit (i.e., recycles without first storing the material) [See* [*40 CFR 261.6(c)(2)(iv)*](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-A/section-261.6)*]*
* *you are a facility that recycles hazardous waste* ***with*** *a RCRA permit (i.e., stores the hazardous waste prior to recycling) [See* [*40 CFR 261.6(c)*](https://www.ecfr.gov/current/title-40/chapter-I/subchapter-I/part-261/subpart-A/section-261.6)*]*

*Additionally,*

1. *On the Site Identification (SI) Form, the generator will need to check “yes” in Section 10.A.5 if they recycle regulated HW at their site.*
2. *On the Waste Received (WR) form, the generator will need to report if:*
* *Hazardous waste received and recycled without first being stored*
* *Hazardous waste received and stored prior to being recycled*
1. *Question #2 of the Generation and Management (GM) Form asks, “was any of this waste that was generated at this facility treated, disposed, and or recycled on site?”. If yes, it will open up the “add on site process system” box for them to add information about their* [*management method code. A code should be found under the*](https://rcrapublic.epa.gov/rcrainfoweb/documents/rcra_subtitleC_forms_and_instructions.pdf) *“reclamation and recovery” category.*
* Question: Will we receive an acknowledgement email that our report submitted?
* *Answer: You will know that your BR has been submitted when the status changes from “draft” to “submitted”. Once our review of your report is complete the status will change to “processed”.*

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* Question: Is this presentation available thru the RCRA Info Learning Zen link?
* *Answer: This presentation can be found on the Department’s* [*BRS Data Entry Program*](https://floridadep.gov/waste/permitting-compliance-assistance/content/brs-data-entry-program) *webpage.* [*RCRAInfo Learning Zen*](https://rcrainfo.learningzen.com/onlinetraining/auth/login) *is a separate resource provided and maintained by the US EPA.*
* Question: What is the waste code for pharmaceuticals?
* *Answer: For a Healthcare Facility –*
* *You must include the* ***PHRM or PHARMS code*** *on the* ***GM Form*** *if you ship non-creditable hazardous waste pharmaceuticals off-site to a designated facility. The receiving designated facility should use also the PHRM or PHARMS code on the* ***WR Form.***
* *You are not required to list the waste codes for hazardous waste pharmaceuticals in Item 10.B of the* ***Site ID Form.***

*Answer: For a Reverse Distributor-*

* *You must include hazardous waste codes when manifesting evaluated hazardous waste pharmaceuticals. Therefore, a designated facility that receives evaluated hazardous waste pharmaceuticals from a reverse distributor must report the applicable hazardous waste codes on the* ***GM Form*** *if the designated facility only received the waste for storage / bulking and transferred the waste off-site for treatment or disposal.*
* *You are required to file a BR using a GM Form, not a* ***WR Form,*** *for the evaluated hazardous waste pharmaceuticals you accumulate****.***
* Question: Does a Public Works Officer (not the Commanding Officer) need a designation letter?
* *Answer: A delegation letter is not required by a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the company.*
* Question: Does a Large Quantity Generator (LQG) who generates a hazardous waste in December of a non-reporting year and ships it in January of the reporting year need to include that waste in their Biennial Report?
* *Answer: The LQG who generates a hazardous waste in December of a non-reporting year but ships it in January of the reporting year (e.g., generated waste in December 2020 and shipped the waste in January 2021) needs to include that waste in their Biennial Report. The LQG should indicate in the “comments” section of the GM Form the date in which the waste was generated.*
* Question: Should 10-day transfer facilities report all the waste they received from off-site facilities on the Waste Received from Off-Site (WR) Form of the Biennial Report?
* *Answer: Transfer facilities that generate no hazardous waste and keep all waste received onsite for under 10 days typically do not have a treatment, storage, or disposal facility (TSDF) permit. Consequently, they are not considered LGGs or TSDFs and thus, are not subject to the federal BR requirements (40 CFR 262.41 for LQGs, and 40 CFR 264.75 and 40 CFR 265.75 for TSDFs).*
* Question: Our facility has moved its location, but it has been assigned a new facility address. How is this to be reported?
* *Answer: If you are filling the Biennial Report electronically, please update the #4 site location and provide comments in section #18 explaining why the address changed. This must be followed up by a mailed hardcopy of an 8700-12FL form to our Department.*

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***NOTE****: If an address change was due to a physical movement in location (that is non-contiguous property) then a new EPA ID number will be needed before the Biennial Report can be submitted. Please submit an 8700-12FL form to our Department requesting for a new EPA ID.*

* Question*: Our facility is no longer generating or treating hazardous waste. Are we required to file?*
* *Answer: Yes, you are required to file a Biennial Report if you operated or had any cleanup activity at any point within the reporting year (odd numbered calendar year e.g., 2019, 2021).*
* Question: I just bought this company. Am I required to file?
* *Answer: Yes, if there were any hazardous waste activities during the reporting year (odd numbered calendar year) that met the definition of an LQG, TSD, Recycler, or Reverse Distributor then you are required to file. You should have received records of past hazardous waste handling activity from the previous owner. Contact the transporter for missing copies of manifests or request “viewer” permissions on e-manifest.*
* Question: Where can I find the source codes, form codes, and management method codes?
* *Answer: View pages 103-108 of the RCRA Subtitle C Reporting Instructions and Forms.*

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