



# Florida Department of Environmental Protection

## New Improvement Rule for Generators of Hazardous Waste

Southeast District Open House  
September 27, 2018



# Federal Updates

**1/13/2015**

**Redefinition of Solid Waste  
-Recycling Hazardous Secondary Materials**

**10/28/2016**

**Import/Export Revisions**

**11/28/2016**

**Generator Improvements Rule**

**12/20/2017**

**E-Manifest User Fee Rule – signed**

**Fall 2017**

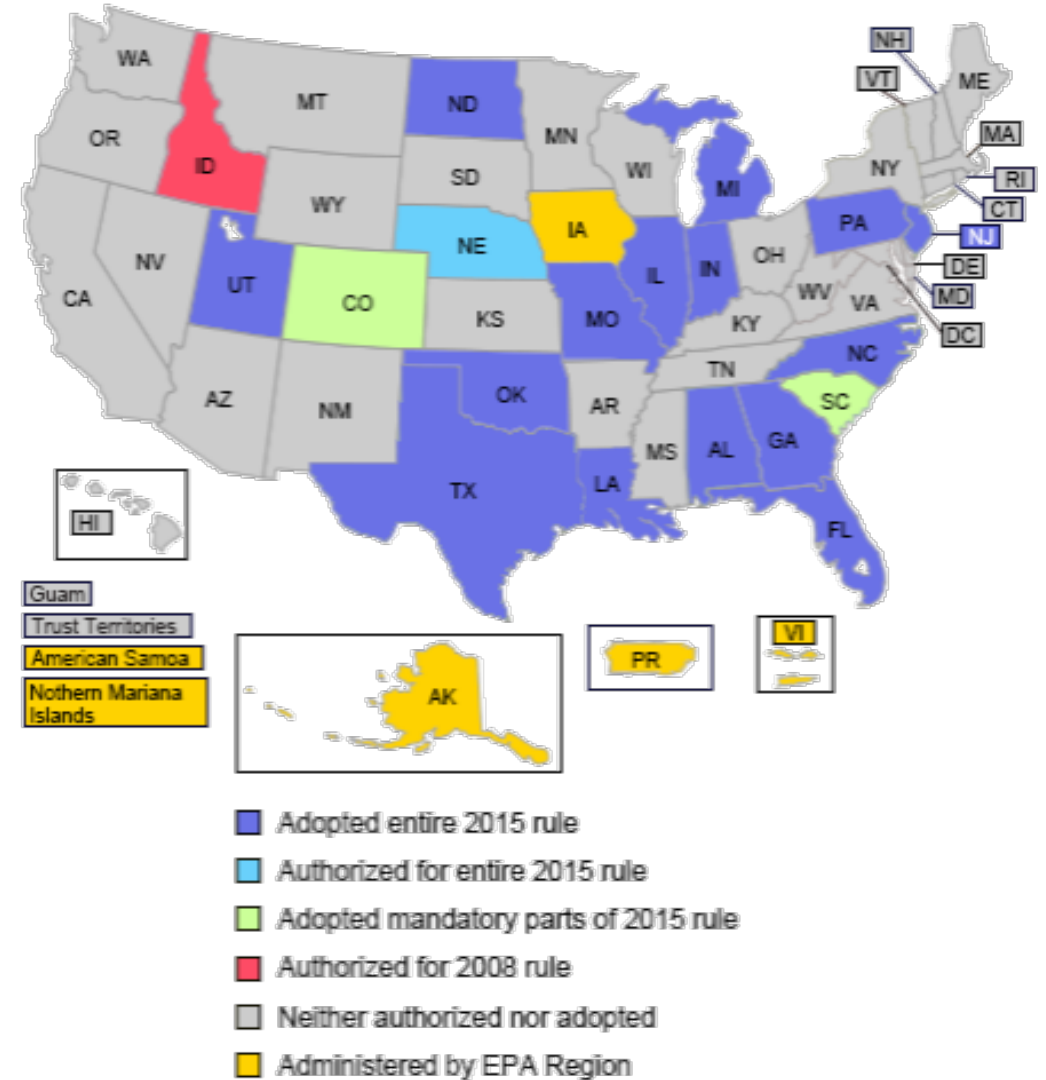
**Semi-annual  
Regulatory  
Agenda**

**Planned – Revised Coal Combustion Residual Rule  
Not in Regulatory Plan – pharmaceuticals, universal  
waste aerosol cans, modernizing ignitable liquid  
definition**



# Adoption Status

2015 Definition of Solid Waste – Status





# Import/Export Changes

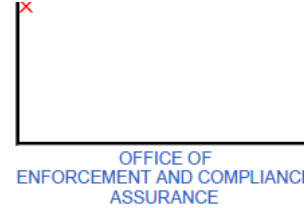
- Import/Export Rule Revisions – published 10/29/16
- Effective 12/31/17 all US exporters of manifested hazardous waste, universal waste, spent lead acid batteries and cathode ray tubes must file information electronically in AES Direct for each shipment.
- EPA is the implementing authority
- DEP confirms import/export shipping papers are filled out properly, and that consent documents are on file



# Acknowledgment of Consent



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
WASHINGTON, D.C. 20460



## ACKNOWLEDGEMENT OF CONSENT March 6, 2017

Robert Losurdo  
MCF ENVIRONMENTAL SERVICES, INC.  
4319 TANNERS CHURCH ROAD,  
ELLENWOOD, GA US 30294  
GAR000061564

Re: Foreign Notice ID: 537434  
EPA Notice ID: 015602/1E/17

Dear Robert Losurdo:

This letter, including the enclosures, serves as the Acknowledgment of Consent (AOC) for EPA Notice ID 015602/1E/17 for the following waste stream numbers: 1,2. This AOC letter is valid from March 3, 2017 to February 10, 2018.

Enclosed you will find special instructions for exports under this AOC, as well as a copy of the notice. Also appended are the consented values for your notice.

Sincerely,

Eva Kreisler, Senior Attorney  
International Compliance Assurance Division



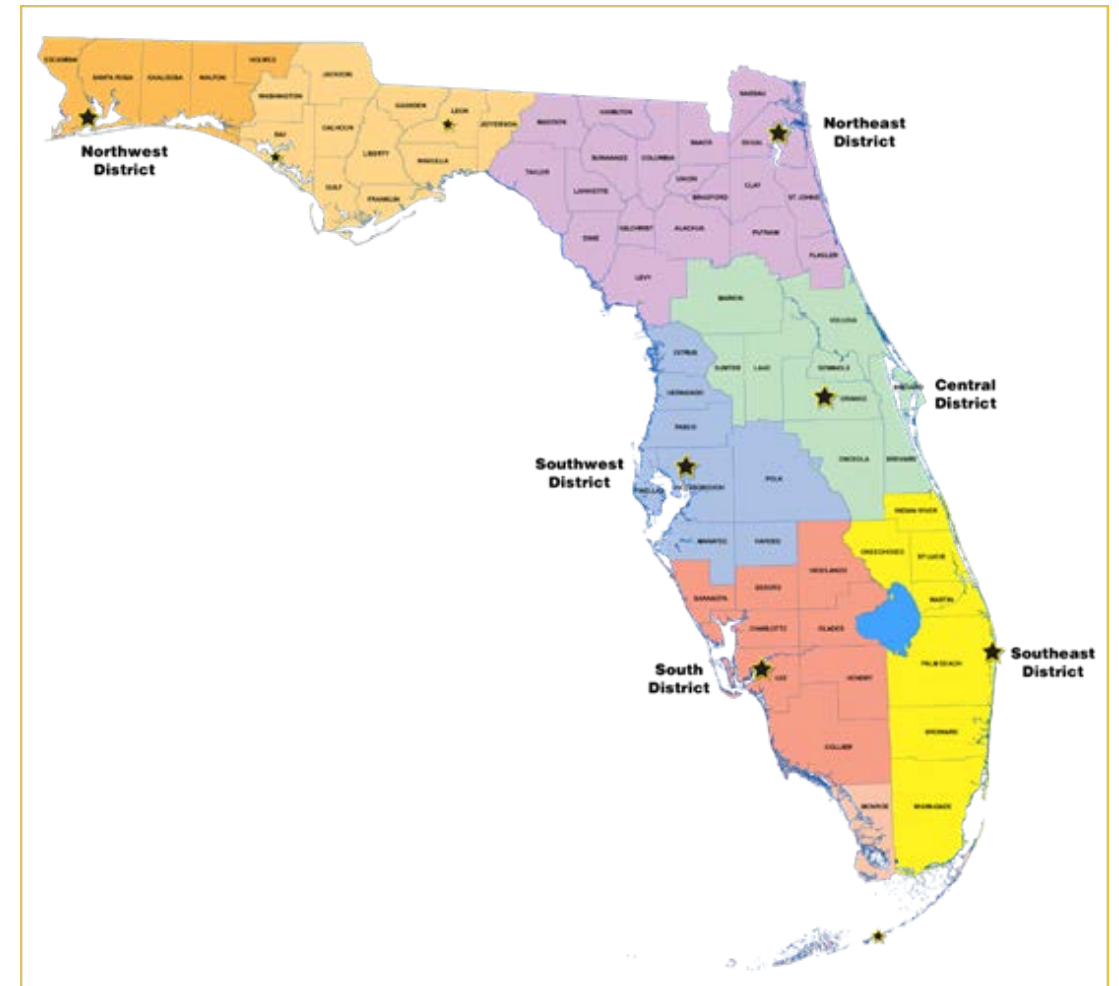
# EPA's Guidance Links

- Many EPA Links have recently changed
- Start from <https://www.epa.gov/hw>
- Guidance on Listed Hazardous Wastes and Exclusions
  - <https://www.epa.gov/hw/criteria-definition-solid-waste-and-solid-and-hazardous-waste-exclusions>
- RCRA Online



# DEP Website Changes

- New Internet Address
  - <https://floridadep.gov/>
  - Old address will redirect
- New Email Addresses
  - `Firsnme.lastname@floridadep.gov`
  - Old email addresses will still be active and will reach the recipient





# DEP Rule Revisions

- Rule development workshop held October 20, 2017
- Regarding proposed revisions to DEP Rules
  - Adoption of USEPA's Generator Improvements Rule
  - Adoption of USEPA's Import/Export Rule changes
  - Conforming changes to FAC 62-710 and 62-737 for used oil and mercury containing lamps & devices
  - Publication expected shortly
- DEP intends to adopt revisions as written, but the update to the state notification form will be delayed.
- DEP adopted the Generator Improvements Rule on June 18, 2018.
- <http://www.epa.gov/hwgenerators/fact-sheet-about-hazardous-waste-generator-improvements-final-rule>





# Florida Department of Environmental Protection

## Generator Improvements Rule

<https://www.epa.gov/hwgenerators/final-rule-hazardous-waste-generator-improvements>

81 FR 85731

Published November 28, 2016



# Generator Improvements Rule

- Consolidation and reorganization of generator regulations
- Base program rule change
  - Not effective in authorized states until the state adopts the provisions
- States must adopt more stringent provisions by July 1, 2018 in order to maintain authorization
  - Example – new satellite container provisions
- Not required to adopt less stringent provisions
  - Example – episodic generation provisions



# Goals

1. Reorganize the regulations to make them more user-friendly and thus enable improved compliance by the regulated community
2. Provide greater flexibility for hazardous waste generators to manage waste in a cost-effective manner
3. Strengthen environmental protection by addressing identified gaps in the regulations
4. Clarify certain components of the hazardous waste generator program to address ambiguities and foster improved compliance



# Reorganization

Provision	Existing Citation	New Citation
Generator Category Determination	§ 261.5(c)–(e)	§ 262.13
CESQG Provisions	§ 261.5(a), (b), (f)–(g)	§ 262.14
Satellite Accumulation Area Provisions	§ 262.34(c)	§ 262.15
SQG Provisions	§ 262.34(d)–(f)	§ 262.16
LQG Provisions	§ 262.34(a), (b), (g)–(i), (m)	§ 262.17



# Brief summary of the Generator Improvements Rule by generator status

<b>Requirements</b>	<b>VSQG</b>	<b>SQG</b>	<b>LQG</b>
<b>Quantity Limits</b>	≤100 kg/month, and ≤1 kg/month of acute hazardous waste, and ≤100 kg/month of acute spill residue or soil §260.10	>100 and <1,000 kg/month §260.10	≥1,000 kg/month, or >1 kg/month of acute hazardous waste, or >100 kg/month of acute spill residue or soil §260.10
<b>EPA ID Number</b>	Not required	Required §262.18	Required §262.18
<b>On-Site Accumulation Quantity</b>	≤1,000 kg or ≤1 kg acute hazardous waste or ≤100 kg of acute spill residue or soil §§262.14(a)(3) and (4)	≤6,000 kg §262.16(b)(1)	No limit
<b>Accumulation Time Limits</b>	None	≤180 days §262.16(b)	≤90 days §262.17(a)
<b>Accumulation Requirements (Storage Requirements)</b>	None	Basic requirements with technical standards for containers, tanks, drip pads or containment buildings §§262.16(b)(2)-(5)	Full compliance for management of containers, tanks, drip pads or containment buildings §§262.17(a)(1)-(4)
<b>Personnel Training</b>	Not required	Basic training required §262.16(b)(9)(iii)	Required annually, must document §262.17(a)(7)
<b>Contingency Plan / Preparedness and Prevention</b>	Not required	Basic planning required §§262.16(b)(8) - (9)	Full plan required Part 262 subpart M (from §262.17(a)(6))
<b>Land Disposal Restrictions</b>	Not required	Required <a href="#">Part 268</a> from §262.16(b)(7)	Required <a href="#">Part 268</a> from §262.17(a)(9)
<b>Manifest</b>	Not required	Required <a href="#">Part 262 subpart B</a>	Required <a href="#">Part 262 subpart B</a>
<b>Pre-Transport Requirements</b>	Only if required by the USDOT or FDOT	Required <a href="#">§§262.30-262.33</a>	Required <a href="#">§§262.30-262.33</a>
<b>Biennial Report</b>	Not required	Not required	Required <a href="#">§262.41</a>
<b>Weekly Inspections</b>	Not required	Required §262.16(b)(2)(iv)	Required §262.17(a)(1)(v)



# VSQG Provisions

- Now allows companies to consolidate VSQG waste from remote locations under the generator provisions
  - Waste may be consolidated at a LQG site under the control of the same person (as defined under RCRA) as the generator
  - Equipment maintenance at remote locations
  - Power companies servicing substations
- Containers marked & labeled VSQG Hazardous Waste
- LQGs must notify and identify the VSQGs
- Must keep records and manage waste as LQG waste
- Biennial Reports Required





# Episodic Generation

- Both VSQGs and SQGs can use episodic generator provisions
- Can be used for both planned and unplanned events
- Once per calendar year with ability to petition for a second event
- Requires notification 30 days prior to planned event, and 72 hours after an unplanned event
  - VSQGs must obtain EPA ID number using the form 8700-12FL



# Episodic Generation (cont'd)

- Must manifest waste to a TSDf & maintain records and dispose of within 60 days (start date of the episodic event)
  - On site container management practices
  - Must have an emergency coordinator
- 
- Failure to meet these conditions (for VSQG's or SQG's), the generator will lose the applicable exemption and become the operator of a non-exempt storage facility unless it also immediately complies with all of the conditions for exemption for an SQG or LQG.
  - If your facility did not expect to generate hazardous wastes in the future and meet the conditions described in the F.A.C 62-730.161, you can apply for an EPA Temporary identification.





# Satellite Accumulation

- Satellite Accumulation Provisions – 40 CFR 262.14
  - Emergency equipment availability & staff training
  - Contingency plan must identify locations
    - SQGs must have the emergency information posting nearby
  - Container size limits and labeling changes
    - Specifies 1 quart liquid or 1 kg of solid acutely hazardous waste
    - Must be compatible with contents
    - Must be separated from nearby incompatible waste or materials
    - Must be labeled “hazardous waste” in addition to an indication of the waste hazards
  - Container may be open under limited circumstances – if venting is required for proper equipment function



# Central Accumulation Areas

- Florida will keep the state's container inspection recordkeeping requirement, even though the proposed federal requirement was not included in the final rule
- Container labels must also include an indication of the nature of the hazardous waste within
- SQGs will be allowed to accumulate waste in containment buildings and drip pads – 262 rules still cross reference Part 265 regulations
- LQGs have new requirements for closing central accumulation areas





# Closure

- Must comply with the closure performance standard, removing all waste and decontaminating or removing all system components, contaminated soils, subsoils etc.
- If clean closure is not achieved, must close as a RCRA landfill
  - Time frames for closure apply
  - Notice of unit closure must be placed in the facility operating record
- If the facility closes, the operator must notify at least 30 days prior to closing on form 8700-12



# Preparedness and Prevention

- The 50 foot setback from the property boundary for ignitable and reactive waste may be waived with the written approval of the local fire marshal
  - A copy must be available for inspection
- The contingency plan must include a quick reference guide at the time of the next update
- It may include a staffed position title with a guaranteed contact number, like a guard desk in lieu of the emergency coordinator's home information



# Quick Reference Guide Content

- The types of hazardous waste on site, and associated hazards, in layman's terms
- The estimated maximum amount of each hazardous waste that may be on site at any one time
- The identification of any hazardous wastes where exposure could require unique or special treatment by medical or hospital staff
- A facility map showing areas where hazardous waste is generated, accumulated and treated, and routes for accessing these wastes



EXAMPLE QUICK REFERENCE GUIDE

This example was created by EPA Region 7 to be used as a guide to assist the regulated community with compliance. It does not substitute for or replace any regulatory requirements.

Contingency plan quick reference guide

ABC FACILITY  
1000 SW Main Street  
Anytown, Iowa 50000

Facility Contacts:

Primary Emergency Coordinator: George Washington Mobile Number (24/7): 515-555-0000  
 Secondary Emergency Coordinator: Abraham Lincoln Mobile Number (24/7): 515-555-0001  
 Tertiary Emergency Coordinator: Martha Washington Mobile Number (24/7): 515-555-0002

Note: ABC Facility operates 3 shift, 24/7, but the order of contact during an emergency is listed above.

Hazardous Waste Information:

Name of Waste	Waste Codes/Hazards	Location Accumulated	Maximum Amounts Present	Response Notes	Special Notes to Hospital/Treatment personnel
Paint Related Wastes (liquid)	D001 (ignitability, flash point <140 °F); F003, F005 (Benzene, Methyl Ethyl Ketone, Toluene, Toxicity)	NW corner of Warehouse, hazardous waste storage area	Five, 55-gallon drums (2,065 pounds)	If personnel come into direct contact with material, decontamination at the hospital may be required prior to treatment.	None
Paint Related Wastes (liquid)	D001 (ignitability, flash point <140 °F); F003, F005 (Benzene, Methyl Ethyl Ketone, Toluene, Toxicity)	Two Satellite Accumulation Areas as noted with blue asterisks on the attached map.	One, 55-gallon drum (440 pounds)	If personnel come into direct contact with material, decontamination at the hospital may be required prior to treatment.	None
Off-specification 2, 4-D, a herbicide,	D016 (toxicity); Flashpoint 190 °F.	SW corner of warehouse near	Off-Spec – 1 tank, 1,000 gallons	Use PPE to prevent contact with skin and eyes.	Contact Chemtrac for emergency



# Quick Reference (cont'd)

- A street map in relation to surrounding businesses, schools and residential areas
- The location of water supply (i.e. fire hydrant and its flow rate)
- Identification of on-site notification systems
- Name(s) of emergency coordinator(s) and contact number(s)

**RCRA Contingency Plan Quick Reference Guide**  
**COMPANY NAME**  
**SITE ADDRESS, STREET, CITY, STATE ZIP**  
**EPA ID# (insert here)**

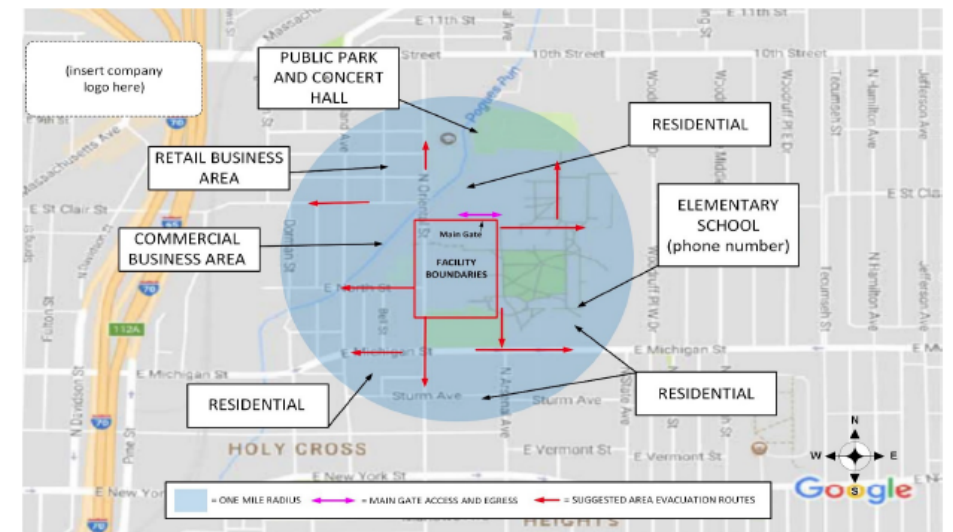
(insert company logo here)

For emergency assistance at the site, please contact one of the following coordinators:

Facility Emergency Coordinators (40 CFR 262.262(b)(8))				
Role	Name	Office #	Mobile #	Radio Channel <sup>1</sup>
Primary Emergency Coordinator	(insert name)	(insert number)	(insert number)	(insert alternate contact information)
Secondary Emergency Coordinator	(insert name)	(insert number)	(insert number)	(insert alternate contact information)
Primary Environmental Coordinator	(insert name)	(insert number)	(insert number)	(insert alternate contact information)

<sup>1</sup> – (optional column, example provided) Security personnel at the main gate can provide responders with information on accessing the internal radio frequencies.

One Mile Radius Street Map (40 CFR262.262(b)(5))





# E-manifests

What is the current vision?

- All paper manifests must be submitted to EPA on day one of implementation (June 2018).
- EPA will have a system to collect user fees for this new system.
- All individuals who handle manifests will need to create a separate account to access the e-manifest system.
- Online system will incorporate all state-only waste codes.
- EPA is allowing users to test the system to provide feedback.
- Information is available on EPA's website.

<https://www.epa.gov/hwgenerators/hazardous-waste-electronic-manifest-system-e-manifest>



# 8700-12FL Form Updates

- Florida's Notification of Hazardous Waste Activity Form will be updated:
  - Episodic Generation
  - Generators receiving VSQG waste
  - LQGs closing central accumulation areas
  - Importer activities – HW and spent lead acid batteries
  - Electronic Manifest Brokering Activities
  - Hazardous Secondary Materials Recycling Activities
    - Both on site and off site
    - Storing/Not Storing before recycling
  - Academic Labs Rule (40 CFR 262 Subpart K) notifications
    - Notices of Participation and Withdrawal





# Florida Department of Environmental Protection

## Questions?

**Norva Blandin**

Environmental Manager

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561-681-6728