

# **“WASTE 101” REFRESHER – INSIDER PERSPECTIVE**

Presented to the  
Water Environment Association

by

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Thank you for inviting me to your Association to present my topic today.

There is a lot of knowledge in this room so I might be calling on you today to answer a few questions about this presentation.

This presentation is designed to provide practical and useful information. However, it is not designed to provide legal, engineering or other professional services. If legal, engineering or other expert assistance is required, the services of a competent professional should be sought.

The opinions presented in this presentation are my personal views, and not those of my employer, New Jersey Natural Gas Company.



I do not claim to be an expert, just a professional with a lot of knowledge and experience about this topic.

If I misspeak, please feel free to clarify.

## PRESENTATION OVERVIEW

- Steps to take to evaluate the most important waste compliance topics
- Regulations & reliefs
  - Code of Federal Regulations (40 & 49)
  - OSHA 1910 (Parts 120, 134, 1200)
- “Insider” information
- Other related topics
- Things to come



Today, instead of just presenting, I will be conducting this session like I do for my classes that I teach.

I will be handing out some of my “toys” and props and will be calling on people to answer some questions.

It is not possible to present all off the important facts on these topics today, so for more details, please see the notes pages of my presentation for citations, explanations and definitions that I don't have time to present today.

Today's presentation will provide you with step-by-step instruction how to approach your waste management program so that you can cover all of the necessary elements for compliance.

## STEP 1 – SHOULD YOU TOUCH IT?

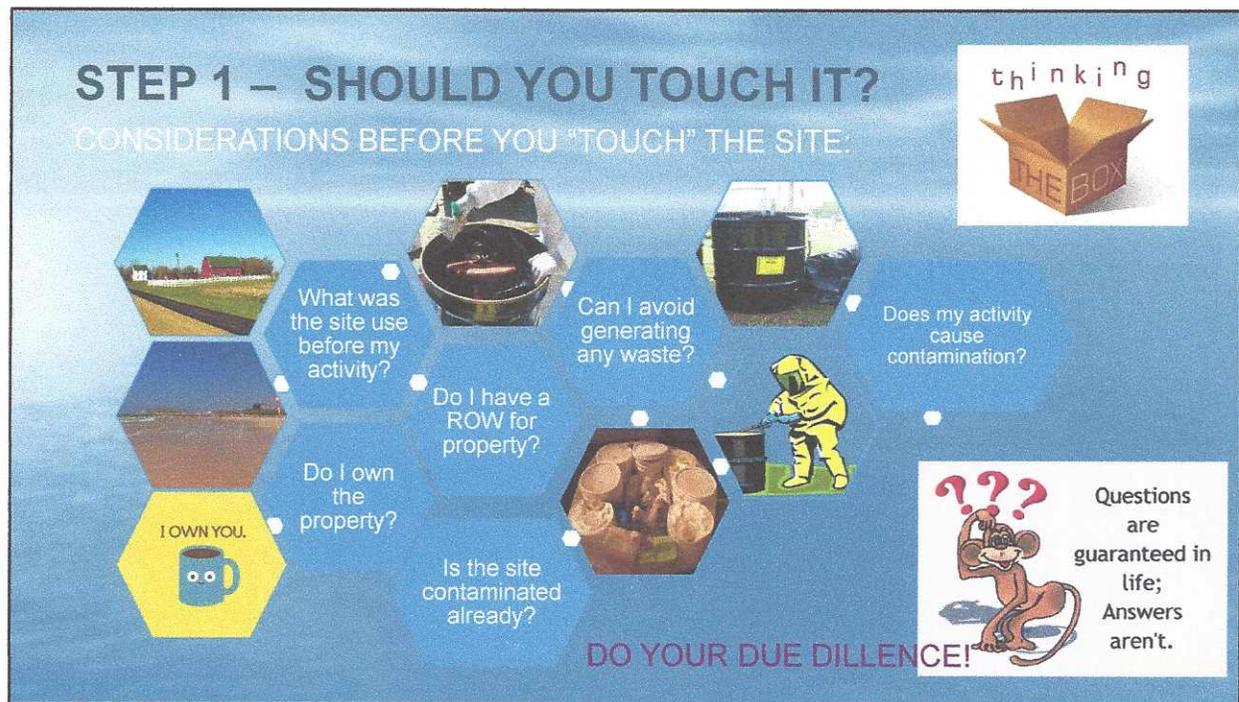
GENERAL RULE IN THE INDUSTRY:

**YOU TOUCH IT, YOU OWN IT.**



In general, you should be cautious before touching, moving or changing in any way, waste that is on a site. If you handle it improperly, you can take on unwanted liability and risk.

The best scenario is a waste that you are not responsible for as in the case of a remediation site with an established Responsible Party or a Potentially Responsible Party. Especially if you are aware of an RP, then it is best to work with them to have them handle and dispose of all contaminated soil. If this is not possible, then you must take the next step and perform due diligence.



There are many things that you should investigate before you generate a waste or begin site work. These are some of the considerations.

Do you know of any other considerations that are not listed here?

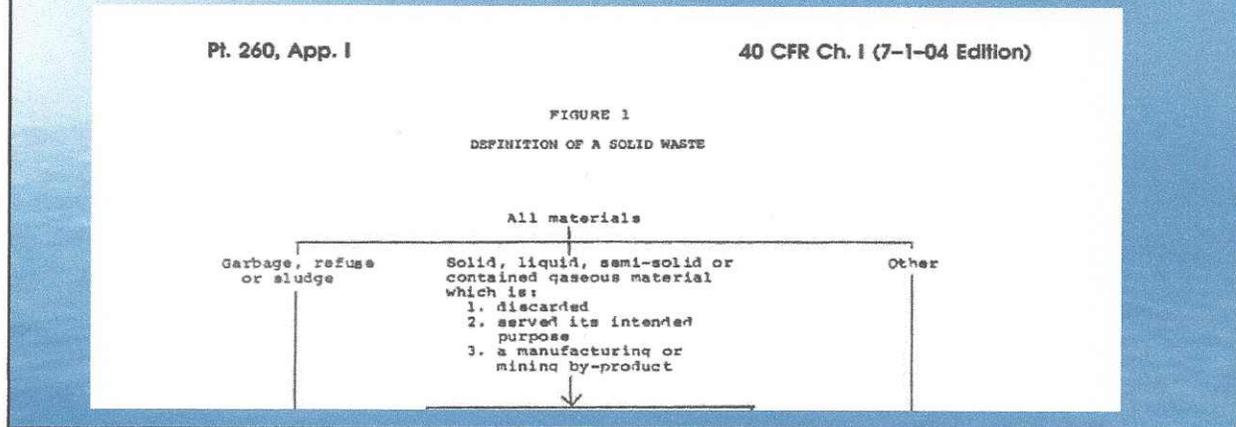
Some others that are not shown here are:

- Use GIS data bases to find existing contaminated sites (i.e., BUST sites, etc.)
- Identify the Responsible or Potentially responsible parties if the site is contaminated. Work with them to take responsibility for the wastes.
- Can you perform the work without generating any or only minimal waste? (i.e., directional drilling, etc.)
- How can you avoid generating waste or ground water?
- Can you perform your task at a different time of year to avoid waste generation? (i.e., when the water table is seasonally low or low precipitation months.)
- Can you put the wastewater into a POTW (publically owned treatment works) to avoid off-site disposal?
- Can you avoid the task completely so that you don't have to disturb a site or generate waste? (i.e., relocate project)
- Are there sensitive populations, species or wetlands on the property that will be affected by my project?

- Other than chemical hazards, what are the traffic and other safety hazards that will be present during the project?
- Can you obtain a "Permit-by-Rule" (permit from NJDEP for discharge to site for under 100,000 gallons) instead of doing off-site disposal.

## STEP 2 – WHAT TYPE OF WASTE AM I GENERATING?

### WHAT IS SOLID WASTE (40 CFR 261.2)?



I am a visual thinker so this chart helps me organize the waste types.

Before we can talk about all of the categories, you need to know the basic definition of a solid waste.

Does anyone want to define solid waste for me?

Solid waste - is any discarded material that is not excluded under sections of 40 CFR Part 261 or variances under 260. Discarded material is: abandoned (disposed of, burned or incinerated, accumulated, stored or treated by means other than recycling), recycled, inherently waste-like and military munition. In general, solid wastes are more regulated.

## STEP 2 – WHAT TYPE OF WASTE AM I GENERATING? – GENERAL CATEGORIES



For the purposes of this presentation, the types of wastes are:

- Solid waste (40 CFR 261.2)
  - Recyclable "reuse relief waste" (40 CFR 261.2 €)
  - Non-recyclable
- Exclusion waste (40 CFR 261.4) – HHW, agricultural waste, mining overburden, coal and oil ash, oil drilling waste, trivalent chromium waste, bevill amendment wastes (mineral mining and processing wastes), cement kiln dust, arsenic treated wood, petroleum UST cleanup, reclaimed refrigerants, oil filters, landfill leachate or gas condensate, etc. (I WILL NOT BE DISCUSSING THESE WASTES. THESE ARE SPECIFIC TO CERTAIN INDUSTRIES AND MOST GENERATORS OF THOSE INDUSTRIES ARE AWARE OF THESE EXCLUSIONS.
- Hazardous waste (solid waste by definition):
  - Listed waste (40 CFR 261, subpart d) – f, k, p, u
  - Characteristic waste (40 CFR 261, subpart c)
  - Mixed waste (40 CFR 261.3 (a)(2)(iv))
  - Derived from waste (40 CFR 261.3(c)(2)(i))
- Other or what I call "exceptional" wastes:
  - State wastes: <http://www.nj.gov/dep/dshw/lrm/type.htm> – ID wastes such as municipal, dry sewage sludge, bulky waste, C & D, vegetative, asbestos and dry industrial waste, etc.
  - TSCA WASTE (40 CFR PARTS 761)
  - Universal Wastes

## STEP 3 - HOW CAN I GET REGULATORY RELIEF? – 4 CATEGORIES



In my daily work, I try to think of ways to legally “get out of” regulations so that I can make my job easier.

Please raise your hands if you are also a professional who likes to reduce regulatory burden?

The items that you can get “regulatory relief” are inside the red box.

You want regulatory relief so that there is less “burden” on your company. For instance, there is usually less or no documentation required, less or no inspections, no or low fees, easier logging and other benefits.

Before I show the next slide, can someone describe the “Reuse Relief” available under CFR 40 for solid and non-solid waste?

## STEP 3 - HOW CAN I GET REGULATORY RELIEF? – RECYCLE OR REUSE



- Reuse Relief (40 CFR 261.2(e)) – **NOT SOLID WASTE WHEN RECYCLED**
  - Used as raw material to make another product
  - Substitute for commercial product
  - Returned to original process – no reclaim or land disposal first

The slide describes the non-solid waste criteria.

The ultimate goal is to be a “zero” waste generator. Since this isn’t always realistic, then the next best option is to recycle or reuse as much as possible. This regulatory relief is a specific list in which recycling and reuse can be conducted. Any deviation is not considered recycling or reuse so you have to be sure that you are meeting these criteria to qualify.

## STEP 3 - HOW CAN I GET REGULATORY RELIEF?– RECYCLE OR REUSE

- Reuse Relief (40 CFR 261.2 (c) & Table 1) –SOLID WASTE THAT IS RECYCLEABLE

- Accumulated, stored or treated before recycling as stated below:

- Used in a manner constituting disposal
  - Used to make products that are applied to the land
    - Exception: Commercial chemicals listed in 261.33 not solid wastes if applied to land & that is their “ordinary” use



- Burned for energy recovery or used to produce fuel
  - Exceptions: Commercial chemicals listed in 261.33 are not solid wastes if they are themselves fuels
- Reclaimed
- Accumulated speculatively

You can recycle or reuse waste if these accumulation, storage and treatment conditions are met prior to recycling.

Exception chemical list - listed wastes (i.e., P, U and some F wastes)

Can I get a show of hands who knows what these wastes are?

Some definitions:

Reclaimed – if it is processed to recover a usable product, or if it is regenerated. (i.e., lead from spent batteries and regeneration of spent solvents.)

Accumulated speculatively – accumulating before recycling. Term that is used to determine if something is a “solid waste.” To avoid speculative accumulation, the material must be recycled at the rate of at least 75% per year (on hand per calendar year). MUST DOCUMENT. These regulations are in place to avoid indefinite accumulation.

Other definitions:

Spent material- any material that has been used & as a result of contamination can no longer serve its intended use without processing.

By-Product - material that is not one of the primary products of production process and is not solely or separately produced by the production process (i.e., residues – slags or

distillation bottoms, etc.) Does not include a co-product.

See Table 1 for more details about which wastes are considered solid wastes.

**STEP 3 - HOW CAN I GET REGULATORY RELIEF? – DETAILS OF OPTIONS**

	OTHER		SOLID AND NON- SOLID WASTE
Used Oil (Part 279.2)	SQH Universal Wastes	TSCA, Asbestos (not mixed)	MISCELLANEOUS MATERIALS
<ul style="list-style-type: none"> <li>Excluded from hazardous waste rules - conditional</li> </ul>	<ul style="list-style-type: none"> <li>Not counted towards biennial report</li> </ul>	<ul style="list-style-type: none"> <li>Not counted towards biennial report</li> </ul>	<ul style="list-style-type: none"> <li>Recycle materials at off-site or your own facility</li> </ul>
<ul style="list-style-type: none"> <li>Designated collection centers</li> </ul>	<ul style="list-style-type: none"> <li>1 year storage</li> </ul>	<ul style="list-style-type: none"> <li>Longer storage allowed</li> </ul>	<ul style="list-style-type: none"> <li>Send high-BTU content to fuels blending facilities</li> </ul>
<ul style="list-style-type: none"> <li>Self-transport allowed -conditional</li> </ul>	<ul style="list-style-type: none"> <li>Easy labeling</li> </ul>	<ul style="list-style-type: none"> <li>Less labeling</li> </ul>	<ul style="list-style-type: none"> <li>Reuse the material as raw material in your or others' process</li> </ul>
<ul style="list-style-type: none"> <li>Can be burned - conditional</li> </ul>	<ul style="list-style-type: none"> <li>No EPA ID #</li> </ul>	<ul style="list-style-type: none"> <li>Minimal documentation requirements</li> </ul>	<ul style="list-style-type: none"> <li>Generate &lt; 220 lbs. for full relief or &lt; 2,200 lbs. for some relief</li> </ul>
<ul style="list-style-type: none"> <li>Can be stored in small quantity w/o documentation</li> </ul>	<ul style="list-style-type: none"> <li>No notifications</li> </ul>		<ul style="list-style-type: none"> <li>"Abate" wastes whenever possible to minimize quantity</li> </ul>
<ul style="list-style-type: none"> <li>Easy labeling</li> </ul>	<ul style="list-style-type: none"> <li>Minimal training</li> </ul>		<ul style="list-style-type: none"> <li>For C&amp;D waste, stay under RCRA thresholds</li> </ul>
	<ul style="list-style-type: none"> <li>Minimal recordkeeping</li> </ul>		<ul style="list-style-type: none"> <li>Use satellite accumulation</li> </ul>

This chart lists specific tasks or advantages offered by each waste category depicted. The "other" category is located in the columns shaded in yellow and the solid and non-solid wastes are listed in the green shaded areas.

For used oil if you don't meet the conditions under the state and federal regulations, then you have more stringent regulations such as SPCC (Spill Prevention Control and Countermeasures 40 CFR Part 112) requirements.

Universal Wastes - lamps, dry cell batteries, pesticides, mercury-containing equipment and electronic equipment (e-waste)

SQH – Small Quantity Handlers (< 500 kg total of UW at one time)

"Abating" an object as in lead paint removal before a building demolition can reduce the amount of contaminated waste that is ultimately disposed because you reduce the amount of hazardous waste

I will discuss satellite accumulation later.

Did I miss anything?

## STEP 4 – HOW DO I DETERMINE MY GENERATOR STATUS?

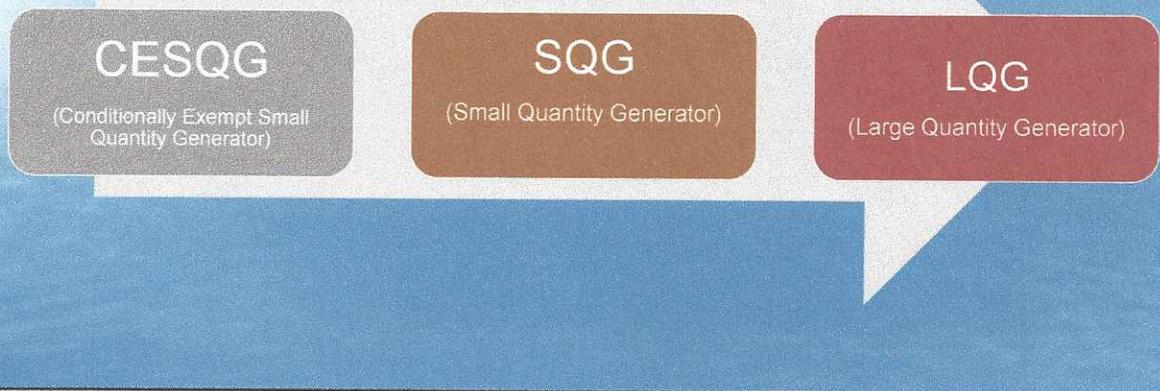
- TO CALCULATE YOUR GENERATOR STATUS:
  - Add up the amount of
    - Each waste type
    - Generated or accumulated at any time
    - For any single calendar month
  - USE **ONLY THE TOTAL RCRA HAZARDOUS WASTE AMOUNT** TO DETERMINE YOUR GENERATOR STATUS.

**EXAMPLE:**  
**JUNE MONTHLY WASTE GENERATION:**

2 lbs. of waste oil
4 lbs. of universal waste
10 lbs. of TSCA waste
4 lbs. of RCRA lead waste
3 lbs. of RCRA acute waste
<b>TOTAL = 7 lbs. RCRA waste</b>
16 lbs. of NON-RCRA waste

Here are the basic instructions for calculating your waste streams and how to calculate the amount of waste that must be reported for your biennial report which I will discuss later. Only the RCRA wastes are to be reported in the biennial report.

## STEP 5 - IF I AM A SOLID WASTE GENERATOR, WHAT CLASS OF GENERATOR AM I?



These are the three categories of generators.

If you generate solid waste that is a RCRA (Resource Conservation & Recovery Act) waste it is subject to all or part of EPA's 40 CFR Hazardous Waste Regulations Part 260-370.

## STEP 5 – KNOW YOUR BASIC WASTE GENERATOR REQUIREMENTS:

ACTION	CESQG	SQG	LQG
Monthly generation limits	≤ 220 lbs. haz. waste & or ≤ 2.2 lbs. acute haz. waste on site/ month	> 220 but < 2200 lbs. haz. waste & or ≤ 2.2 lbs. acute haz. waste on site/ month	≥ 2200 lbs. haz. waste & or > 2.2 lbs. acute haz. waste on site/month
Accumulation quantity limits	≤ 2200 lbs. haz. waste & or ≤ 2.2 lbs. acute haz. waste on site per month	≤ 13,200 lbs. haz. waste & or ≤ 2.2 lbs. acute haz. waste onsite/ month	No limit
Accumulation time limits	Unlimited	180 days unless receiving facility is > 200 miles, then 270 days (extensions granted)	90 days (extensions granted but not recommended)
EPA ID number required?	No - voluntary (See NJX program info.) <a href="http://www.state.nj.us/dep/dshw/hwr/njxgas.htm">http://www.state.nj.us/dep/dshw/hwr/njxgas.htm</a>	Yes	Yes
Hazardous waste manifest required?	No - voluntary (See NJX program info.) <a href="http://www.state.nj.us/dep/dshw/hwr/njxgas.htm">http://www.state.nj.us/dep/dshw/hwr/njxgas.htm</a>	Yes – unless waste is reclaimed pursuant to 262.20 (e) (1)	Yes
Retention of manifest copy & related documentation incl. data	None – voluntary	3 years	3 years

Source for chart: <http://www.state.nj.us/dep/hw/procement/hw-njxmatrix.njx> - NOTE: Chart was modified for this presentation.

A hazardous waste is waste that poses a threat to humans or the environment. In the United States, the treatment, storage, and disposal of hazardous waste is regulated under the Resource Conservation and Recovery Act (RCRA).

Does anyone want to define hazardous and acute hazardous waste?

### DEFINITIONS:

The other way of looking at hazardous wastes is to define them as a solid waste that is not excluded from the regulations, has hazardous characteristics and properties and no longer useful and must be discarded.

In addition, EPA Hazardous Waste Codes are also classified as acute and non-acute. P-listed codes and certain dioxin codes (F020-F023 and F026-F028) are considered to be acute, whereas the remaining codes are non-acute

Almost all waste that is not excluded or specifically mentioned in the regulations (i.e., listed wastes, special wastes, etc.) are considered solid wastes. This is relevant because solid wastes are definitely the more regulated wastes.

## STEP 5 – KNOW YOUR BASIC WASTE GENERATOR REQUIREMENTS

(CONTINUED):

ACTION	CESQG	SQG	LQG
Exception reporting (failure to receive signed TSDF copy of manifest)	None	None – but within 60 days generator must submit copy of the manifest with a note that signed TSDF copy is missing.	Generator must contact initial transporter or TSDF and NJDEP within 35 days of shipping date. Generator must submit exception report to NJDEP within 45 days of shipping.
Land Disposal Restrictions (LDR) documentation	None	Required for certain haz. wastes. Keep your copy for <b>at least 3 years and possibly 5 years.</b>	Required for certain haz. wastes. Keep your copy for <b>at least 3 years and possibly 5 years.</b>
Biennial Report	None	None	Submitted on each even year to report annual generation for previous odd year.
Inspections	None	Weekly for haz. storage containers & daily for haz. waste storage tanks	Weekly for haz. storage containers Daily/bimonthly/yearly for haz. waste storage tanks
Haz. waste training, Preparedness/ Prevention & Contingency Plan	None	Basic familiarization of ER procedures for employees, hospital, OEM, alarm and spill equipment, no drills, ER contractor – DOCUMENT!	Full training, comprehensive ER plan which details procedures for employees, hospital, OEM, alarm and spill equipment, no drills, fire inspections, ER contractor – DOCUMENT!

I could not find the citation that recommended a 5 year retention time but I remember coming across this, so I left it on this chart.

Can anyone comment on this?

If anyone knows of the citation, please let me know, otherwise, please note different retention times for manifests which is 3 years and 5 years for LDR documents.

If you are in the two lower generator categories and exceed the quantity limits, then waste is subject to the next category. Even if it was only for one month.

There are two schools of thought about record retention; if you retain records indefinitely, it can either work for you or against you. It can work against you if you have a lot of waste in a particular facility and you were named in a law suit to pay for the cleanup. On the other hand, if you have a small amount of waste in a facility, saving records indefinitely will allow you to prove actual quantities of waste, thus reducing your liability in the event that a waste disposal site becomes a “Superfund” site and you are named in a law suit to pay for the

cleanup.

OEM - Office of Emergency Management

## STEP 6 – IF YOU ARE A SQG OR LQG THEN YOU NEED AN EPA ID NUMBER:

<http://www.epa.gov/osw/inforesources/data/form8700/8700-12.pdf>

### WHEN DO YOU NEED ONE?

- SQG & LQG

### HOW DO YOU GET ONE?

- Contact Agent for EPA Region II - NJDEP Hazardous Waste Compliance & Enforcement (609) 292-2913.

OMB# 2050-0024; Expires 01/31/2017

<b>SEND COMPLETED FORM TO:</b> The Appropriate State or Regional Office.		United States Environmental Protection Agency <b>RCRA SUBTITLE C SITE IDENTIFICATION FORM</b>		
<b>1. Reason for Submittal:</b>  MARK ALL BOX(ES) THAT APPLY	<b>Reason for Submittal:</b> <input type="checkbox"/> To provide an Initial Notification (first time submitting site identification information / to obtain an EPA ID number for this location) <input type="checkbox"/> To provide a Subsequent Notification (to update site identification information for this location) <input type="checkbox"/> As a component of a First RCRA Hazardous Waste Part A Permit Application <input type="checkbox"/> As a component of a Revised RCRA Hazardous Waste Part A Permit Application (Amendment # _____) <input type="checkbox"/> As a component of the Hazardous Waste Report (if marked, see sub-bullet below) <input type="checkbox"/> Site was a TSD facility and/or generator of >1,000 kg of hazardous waste, >1 kg of acute hazardous waste, or >100 kg of acute hazardous waste spill cleanup in one or more months of the report year (or State equivalent LQG regulations)			
<b>2. Site EPA ID Number</b>	EPA ID Number <input type="text"/>			
<b>3. Site Name</b>	Name: <input type="text"/>			
<b>4. Site Location Information</b>	Street Address: <input type="text"/> City, Town, or Village: <input type="text"/> County: <input type="text"/> State: <input type="text"/> Country: <input type="text"/> Zip Code: <input type="text"/>			
<b>5. Site Land Type</b>	<input type="checkbox"/> Private <input type="checkbox"/> County <input type="checkbox"/> District <input type="checkbox"/> Federal <input type="checkbox"/> Tribal <input type="checkbox"/> Municipal <input type="checkbox"/> State <input type="checkbox"/> Other			
<b>6. NAICS Code(s)</b>	<input type="text"/>			

## There are 2 types of EPA ID #'s – permanent and an Emergency (Provisional) EPA Identification Number

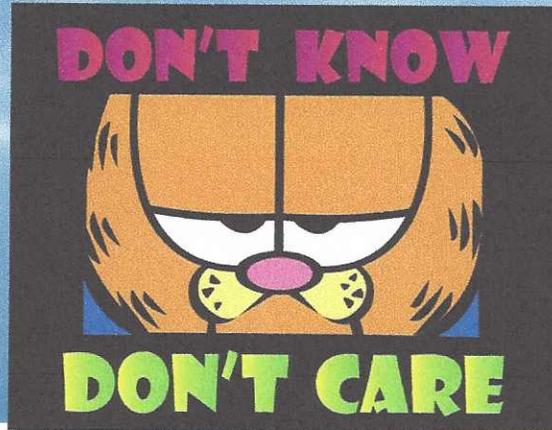
A provisional number is issued in emergencies only, i.e.: hazardous waste spills, accidents, abandoned or unprotected waste, which cause a threat to humans or the environment. To obtain an emergency ID number in NY, PR & VI call **Becky Mullen at the NJDEP**. To obtain an emergency ID number in NJ call the NJDEP office at (609) 292-2913. Before calling, check if the site already has an EPA ID number in the Envirofacts database

<http://www.epa.gov/enviro/facts/rcrainfo/search.html> . If so, the existing number should be used for removing the waste.

You will be required to provide detailed information about the accident: site of spill/accident, responsible party, mailing address, description of incident, materials involved and quantity, generator status, cleanup contractor, transporter name and the EPA ID number, TSD name and the EPA ID number, the emergency number will be given to you immediately. This number is valid for 30 days only.

## STEP 6 - EPA ID NUMBERS- DEACTIVATE:

- HOW DO YOU DEACTIVATE ONE?
- Write a letter to NJDEP & FAX
  - EPA ID number
  - Site address
  - Request deactivation and reason
  - Contact information for request
- FAX TO: (609) 292-3970  
(Yes, they want you to fax for their recordkeeping.)



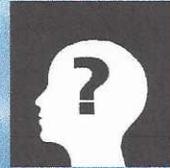
**FINITO!**

There used to be an easy form (#HWR-001). You can use this form if you have one. If not, it is now more complicated as you must write letter.

## STEP 7 - BIENNIAL REPORTING:

### The 5 W's and the H:

- **Who?** – LQGs who generate RCRA waste & TSDs who handle RCRA hazardous wastes on-site
- **What?** – Electronic regulatory report due to EPA
- **When?** – March 1, every even # year. Next one due March 1, 2016 for generator activities in calendar year 2015  
Waste ID records must be kept for 3 years (generators) or 30 years after facility closure (TSDFs)
- **Where?** – Electronic report obtained from:  
<http://www.epa.gov/epawaste/inforesources/data/biennialreport/>
- **Why?** – RCRA mandates that EPA establish standards for recordkeeping and reporting of hazardous waste
- **How?** – Electronic reporting



This is a  
bummer  
dude! ☹

- EPA contracts this program out to a consultant.
- Done on a two-year cycle as required by Sections 3002 and 3004 of the Resource Conservation and Recovery Act (RCRA).
- The information is collected via a mechanism known as the Hazardous Waste Report for the required reporting year [EPA Form 8700-13 A/B] (also known as the “Biennial Report”).
- Both RCRA Sections 3002 and 3004 require the U.S. Environmental Protection Agency (EPA) to establish standards for recordkeeping and reporting of hazardous waste. Section 3002 applies to hazardous waste generators and Section 3004 applies to hazardous waste treatment, storage, and disposal facilities.
- The implementing regulations are found at 40 CFR 262.40(b) and (d); 262.41(a)(1)-(5), (a)(8), and (b); 264.75(a)-(e) and (j); 265.75(a)-(e) and (j); and 270.30(1)(9). This is mandatory reporting by the respondents.

The reporting is complicated and time consuming.

If you are a consultant, please advise your clients to file a report at the end of their remedial actions, etc.

## STEP 8 - HOW CAN I GET REGULATORY RELIEF FROM BIENNIAL REPORTING?



everything  
is easier SAID  
than done

except for talking

that's about  
the same

- Don't generate RCRA waste on any odd numbered year.
- Instead – recycle, generate universal waste, state ID waste, TSCA waste
- Keep your generator status at CESQG or SQG.



it's not easy  
being  
green

These ideas seem to be common sense, but when you are in the middle of the project, some of these ideas may not occur to you.

## HELPFUL TOOLS TO UNDERSTAND COMPLIANCE:

### NJDEP

- <http://www.state.nj.us/dep/enforcement/CAVPacket%20Master.pdf>

### EPA

- <http://www2.epa.gov/compliance/compliance-monitoring-programs>

These are just two helpful websites. There are many more helpful sites and personal resources available.

Of course it always helps to take a course.

## THE CLASSROOM IS NO SUBSTITUTE FOR EXPERIENCE (Things they don't tell you in class.):

- Reality vs. regulations:
  - Satellite accumulation & point of generation
- Storage dilemmas
  - Inside or outside
  - TSCA Requirements 40 CFR 761.65 (a) (4) (b) (1)
- Marking (CFR 40, 172.202) vs. Labeling (172.400)
- DOT Registration –  
<http://phmsa.dot.gov/hazmat/registration>
  - "Offeror" is almost everyone! (See CFR 49 107.601)
- EPA TSCA Inspections - happening now
- Materials of Trade exemption (49 CFR 171.8 & 173.6)
- Letters of Determination
- Shipping papers vs. waste manifests (49 CFR 172.200 vs. 172.205)



EDUCATION  
VS.  
EXPERIENCE

I always tell lay persons that the environmental regulations are not logical. They are just the regulations. That is why our job is so hard. We have to do things in our work that doesn't always make sense.

Satellite accumulation – This is very prescriptive and requires 2 conditions:  $\leq 55$  gallons or 1 qt. acutely HW can be kept AT OR NEAR THE POINT OF GENERATION and under the control of the operator. That does not mean that you can keep the waste down the street from your operation, etc. You also have to date the container. Within 3 days, not more than that, you have to move it to the permanent 90 or 180 day storage area. Also, put the description of waste and label prominently that it is a storage area.

Storage – Inside advantages: out of the weather, you can keep other items like emergency equipment, but then it is harder to get to by personnel due to needing a key to enter, etc. Experience teaches you to ask those who will be using the equipment.

Labelling vs. marking – Marking is not the same as labelling. **Marking** is required in addition to labeling. Marking: durable, in English, displayed on contrasting color & away from other distracting marking. ID numbers, minimum sizes, etc. NJ Waste labels are not required on drums in storage. They make it easier, but you can have the information in another format. **Labelling** - Very prescriptive

TSCA storage requirements – Adequate roof and walls, floor, curbing min. 6 inches, 25% total capacity containment, no drain or valves, floor drains or other openings to permit liquid flow from curbed areas, non-porous floor and curbing construction, not below 100 year flood plain.

Offerors and transporters of certain quantities and types of hazardous materials, including hazardous wastes, are required to file an annual registration statement with the U.S. Department of Transportation and to pay a fee (see Title 49 CFR Part 107, Subpart G (107.601 - 107.620). The term “shipment” used in registration regulations means **the offering or loading of hazardous material. This is practically everyone who deals with hazardous waste. There are conditions of registration and they can be found at citation indicated in this slide.**

TSCA Inspections – Be aware that a manifest discrepancy leads to an automatic inspection.

Materials of Trade – Allows an aggregate gross weight on motor vehicle of 440 lbs. If not, shipping papers are necessary. Hazardous material, other than a hazardous waste, ... carried in support of the principal business.

Shipping Papers vs. Waste Manifests: Shipping papers are what you need when you offer a waste, haz. Mat, etc. in transport. They are more generic and are often called a Bill of Lading and require less information. Waste manifests and manifests are a subset of shipping papers and are prescriptive and mandatory. Also, they require that the shipper have a 24-hour emergency number in item 14 of the Uniform Hazardous Waste Manifest.

**The October 19, 2009 final rule announced several regulatory changes that were effective on November 18, 2009. First, the final rule amends 49 C.F.R. § 172.201(d) to state that if the telephone number of an emergency response information telephone number service provider is entered on a shipping paper, then the shipping paper must also identify the person (by name or contract number) who has the contractual agreement with the service provider. 74 FR 53413 at 53422. In addition, the final rule amends 49 C.F.R. § 172.604(b) to require that “the name of the person identified with the emergency response telephone number must be entered on the shipping paper immediately before, after, above, or below the emergency response telephone number unless the name is entered elsewhere on the shipping paper in a prominent, readily identifiable, and clearly visible manner that allows the information to be easily and quickly found.” Id. at 53423.**

“Letter of Determination” or Interpretation - In general, if you have a question and need a definitive interpretation of the rules, you can request a– Careful what you ask for. Be prepared for the answer you don’t like if you are going to ask the questions.

There are instances that you will need shipping papers and not a manifest -

## WHAT PROPOSED REGULATIONS MAY AFFECT GENERATORS:



- EPISODIC GENERATORS
- EPA ELECTRONIC (e – manifests) MANIFESTS (federal)

[http://www.epa.gov/osw/hazard/transportation/manifest/pdf/em\\_manifest\\_webnr\\_nov2014.pdf](http://www.epa.gov/osw/hazard/transportation/manifest/pdf/em_manifest_webnr_nov2014.pdf)

Source of Calvin and Hobbes comic: Google Images

Concurrently, in the fall 2014 Unified Regulatory Agenda, the EPA announced its intention to publish a notice of proposed rulemaking (NPRM) called the Hazardous Waste Improvements Rule.

Components of the Hazardous Waste Improvements Rule would include:

Updating the RCRA biennial reporting and hazardous waste determination provisions to reflect current EPA guidance and instructions.

Consolidating all of the hazardous waste generator regulations, where appropriate, in 40 CFR 262.

Requiring LQGs and SQGs to include additional information on container labels to better communicate risks associated with its contents.

Allowing generators to maintain their regulatory status even though, because of an episodic event, they temporarily moved into a higher regulatory (generator) status. This would allow episodic generators to follow streamlined requirements. This would affect smaller generators that occasionally generate a larger amount of hazardous waste or when a single entity is responsible for hazardous waste management at a number of very small sites.

Updating the RCRA emergency preparedness and response regulations in order

to fit with current emergency response infrastructure.

E Manifests—Supposed to be sooner, but maybe they will be available in 2016?

## A FEW MORE THINGS.....

Release reporting -	Spills, UST overflows, air releases, fires, threats to human health (local authorities, POTW, DOT (while "in commerce"), DEP, EPA, NRC (Coast Guard)
Shipping paper records -	Retain 3-5 years from date of shipment, save LDRs, unmanifested waste report, manifest discrepancies
Waste classification -	Generator knowledge can be used or sampling and analysis
Training, medical surveillance, fit testing, PPE -	OSHA, EPA Hazardous waste, HASP, medical monitoring program, provide levels of PPE

Oh no, there is more? I can't take much more!

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WASTE SHIPMENT DISCREPANCY DISCOVERY → 35 DAYS TO INVESTIGATE → 10 MORE DAYS TO REPORT TO EPA (45 total days)

**NRC** – National Response Center 1-800-424-8802

**NJDEP Hotline** – 1-877-WARN DEP (1-877-927-6337 then press the number 5)

**NJDEP** – No de minimis quantities for releases. Everything is reportable!

Only 15 minutes of occurrence allowed before reporting.

**DOT Incident Report** – incident involving loading, unloading, temporary storage and transit. Required within 30 days of incident. Citation: 49 CFR Part 171.16  
Ask for 2 copies of LDRs to be delivered to sites without copiers so you have a copy for your records. Also, only 1 time notification of waste with initial shipment and only 1 time certification required/waste.

**Unmanifested waste report** – within 15 days of occurrence

**Generator knowledge citation** – 40 CFR Part 262.11 (c) (2)

**Manifest discrepancies can be** – Quantity (weight or pieces), Type (waste class), rejected wastes, residues, or > RCRA empty containers (1/2 " material)

**Training** – Initial and refresher

**Major regulations:**

OSHA 1010.120 – Hazardous Communications Training. New pictograms now – Global Harmonization Standard (GHS)

OSHA - 1910.134 Respiratory Protection (HW Operations) - various

levels, (i.e., First Responder to On-Scene Incident Commander, etc.), some flexibility in the regulations.

Medical surveillance Program - only required **1910.120(f)(2)(ii)** - All employees who wear a respirator for 30 days or more a year or as required by § 1910.134;

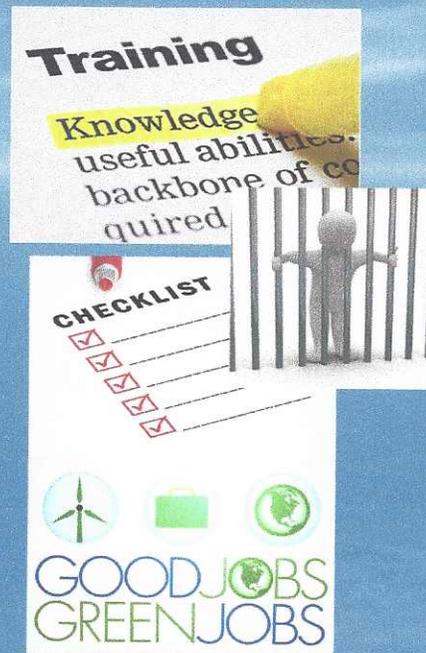
Consider engineering and administrative controls first. If not, then PPE. Employer must provide PPE for work,

EPA – 40 CFR Part 262.34 (a) (4) which requires generators who are accumulating waste **MUST ALSO COMPLY WITH 265.16.**

DOT Training – 49 CFR 172.704 - Required every 3 years.

## YOUR JOB IS HARD!

- A profession in the environmental field is one of the few professions in which one is criminally and civilly liable.
- We have to know so many regulations and get them correct all of the time.
- We have a lot of required training and recertification's every or interval years.
- The industry is very static which makes it challenging.



Civil negligence, according to many law systems, is the breach of a duty to care. Someone who is found guilty of civil negligence is found to have not acted in the way a reasonable person would in the same situation. The negligent act must result in injury or loss, and often falls under tort laws. Criminal negligence is different because the defendant is accused of intentionally acting in reckless fashion without regard to the safety of others, and as such, the offense falls under criminal codes.

SOURCE: <http://www.wisegeek.com/what-is-civil-negligence.htm#didyouknowout>

Also, ignorance of the law is not a valid argument.

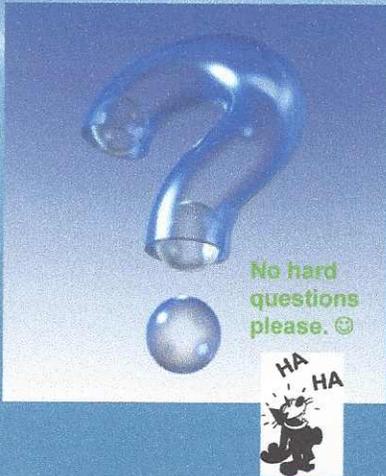
Very little flexibility is allowed by "enforcement." In many cases, the law is "black and white."

Give yourselves a hand for tackling these and other hurdles.

**THANK YOU.**

May your water be plenty and clean.

Water is life.



You can live without food for a few days, but you can't live without clean water.

Use of water leads to clean living.

Unless otherwise noted, the source of some clip art & images : Microsoft Bing

Thank you for your attention.

Any questions?