UNIVERSAL WASTE

Jim Aycock – EPA Region 7

for the ISGP Webinar – 31 March 2021

Learning Zoom

Please enter all questions into the Zoom Q&A box

[to access, please click icon at bottom of the Zoom page]

You are welcome to submit question during the presentation. I will answer questions following the presentation or during the Roundtable Discussion.

Notice – These slides are NOT a substitute for the regulations. The regulated community must use and abide by the applicable state and federal regulations.

Outline

- Acronyms -
- Learning Aids -
- Reg Background and Quick rule summary
- Quick Rule Primers
- Compliance
- Bonus information, Resources, and EPA Contact Information

Outline

Acronyms

- UWH - Universal Waste Handler
  - Or UW, universal waste
- SQUWH - Small Quantity UWH
  - Less than 5,000 kilograms accumulated at any time (sum all categories of Universal Waste)
- LQUWH - Large Quantity UWH
  - Equal to or more than 5,000 kilograms accumulated at any time (sum all categories of Universal Waste)

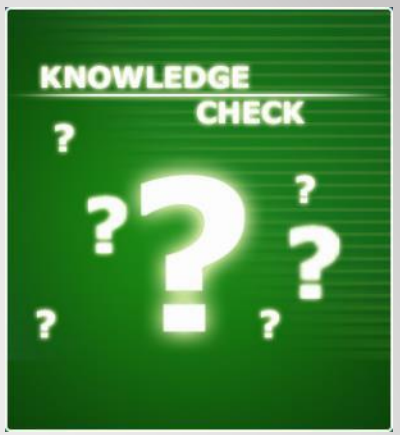
See notes for image source

Learning Aid

True or False

As far as learning these new rules, I have no responsibility other than listening intently to this presentation (with no checking Facebook, Twitter, updating your LinkedIn profile, reading e-mails, etc.

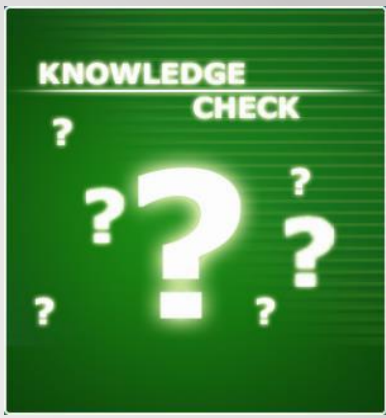
Learning Aid



True or False:

The lower limit for <u>Large Quantity is the same</u> for both a *Hazardous Waste Generator* and a *Large Quantity Universal Waste Handler*?

Learning Aid



A facility receives and accepts aerosol cans as universal waste, punctures the cans and collects the contents in a container.

The receiving facility does a waste determination which identifies the contents from the drained cans to be hazardous waste.

Is the receiving facility responsible for the management of that hazardous waste?

Reg background

- The UW rule was effective May 11, 1995 [60 FR 25542, May 11, 1995, as amended at 64 FR 36489, July 6, 1999; 70 FR 45521, Aug. 5, 2005; 71 FR 40280, July 14, 2006; 84 FR 67218, Dec. 9, 2019]
- Aerosol can rule Proposed March 2018 [83 FR 11654]
- Signed 15 Nov 2019, promulgated 09 Dec 2019 [84 FR 67202]
- Effective 07 Feb 2020 in Iowa & Indian Country & some territories [Region 7; non-HSWA]

Reg Background

- Assumes aerosol cans will be recycled as <u>scrap metal</u>
- FIFRA allows pesticide disposal by this method
- Applies Universal Waste standards
- Does not include gas cylinders

40 CFR 273, subparts B & C

Quick reminder

- Very Small Quantity Generator (VSQG) waste that is exempt (40 CFR 262.14) and is also Universal Waste – the VSQG has the option to manage such waste as either Hazardous Waste or Universal Waste.
- Household Hazardous Waste (HHW) that is also Universal Waste may be managed as either Household Hazardous Wastes or Universal Wastes.
- Commingled VSQG & HHW is not HHW exempt.

40 CFR §262.14 and 40 CFR §273.8(b)

Quick UW Primer

	Small Quantity Handlers	Large Quantity Handlers
Prohibitions	40 CFR 273.11	40 CFR 273.31
Notification	40 CFR 273.12	40 CFR 273.32
Waste management	40 CFR 273.13	40 CFR 273.33
Labeling/marking	40 CFR 273.14	40 CFR 273.34
Accumulation time limits	40 CFR 273.15	40 CFR 273.35
Employee training	40 CFR 273.16	40 CFR 273.36
Response to releases	40 CFR 273.17	40 CFR 273.37
Off-site shipments	40 CFR 273.18	40 CFR 273.38
Tracking	40 CFR 273.19	40 CFR 273.39
Exports	40 CFR 273.20	40 CFR 273.40

Quick UW Primer

UW Transporter Requirements (Subpart D)	
Prohibitions	40 CFR 273.51
Waste management	40 CFR 273.52
Storage time limits	40 CFR 273.53
Response to releases	40 CFR 273.54
Off-site shipments	40 CFR 273.55
Exports	40 CFR 273.56

Quick UW Primer

UW Destination Requirements (Subpart E)	
Off-site shipments	40 CFR 273.61
Tracking	40 CFR 273.62

Quick UW Primer

UW Import Requirements (Subpart F)	
Transport	40 CFR 273.70(a)
Handler	40 CFR 273. 70(b)
Destination	40 CFR 273. 70(c)

Quick UW Primer

UW Petition to Include Other Wastes Under 40 CFR Part 273 (Subpart G)	
General	40 CFR 273.80(a-d)
Factors for Petitions	40 CFR 273. 81(a-h)

Compliance

Prohibitions

Universal Waste management

- Prohibited from Universal Waste disposal
- Prohibited from diluting or treating, except when responding to releases or actions related to UW operations

SQ App 1-7, p.62

LQ App 2-6, p.32

40 CFR §273.11 and §273.31

Compliance

Notification

Small Quantity Handlers

Not required to notify (no means to notify).

Large Quantity Handlers

Required to notify and obtain and EPA ID Number, typically using the RCRA Notification Form 8700-12 (reference end of session unit)

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.12 and §273.32

Compliance

Waste Management

- ✓Accumulate no longer than one year from the date UW is generated or received.
- ✓Be able to demonstrate the length of time the UW have been accumulated.
- ✓Time limit exception -- when the UW Handler demonstrates such accumulation is necessary to facilitate proper recovery, treatment, or disposal.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.15 and §273.35

Compliance

Waste Management

- ✓Mark or label Containers with the proper words "Universal Waste Lamps," "Used Lamps," or "Waste Lamps" or for the UW type.
- ✓Place UW in structurally sound containers for the UW type.
- ✓Keep containers closed.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.15 and §273.35

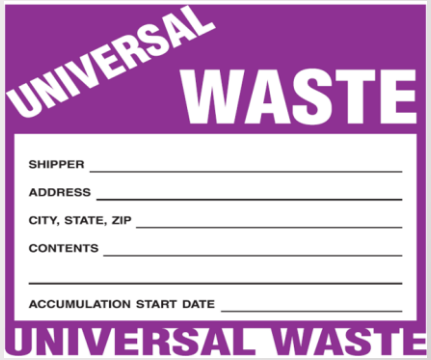
Compliance

Waste Management

Six ways to demonstrate accumulation time:

1) UW placed in container that is labeled or marked with earliest date waste was received/placed

2) Individually label or mark each container with date it was received or became waste



3) Maintain an on-site inventory system that identifies date individual UW were received or became waste

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.15 and §273.35

See notes for image source

Six ways to demonstrate accumulation time:

4) Maintain an on-site inventory system that identifies date a group of UW containers (e.g., a drum) were received or became waste

5) Place UW in a specific accumulation area and identify the earliest date that any UW in the area was received or became a waste

6) Any other method which clearly demonstrates the length of time the UW have been accumulated from the date it was received or became a waste

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.15 and §273.35

Compliance

Training

Small Quantity Handlers

Inform all employees who handle or are responsible for managing UW of proper handling and emergency procedures for the types of UW handled.

Large Quantity Handlers

Ensure all employees are thoroughly familiar with proper UW handling and emergency procedures, relative to their responsibilities during both normal facility operations and emergencies.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.16 and §273.36

Compliance

Spills/Leaks

Waste management

Manage in way that prevents releases to the environment

- Container accumulation
  - ✓Structurally sound and kept closed
  - ✓Compatible with contents
  - ✓Lacks evidence of leakage, spillage or damage that could cause leakage
  - ✓Managed in a way to prevent releases to the environment

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.13(e)(1) and §273.33(e)(1)

Compliance

Response to Releases

- ✓Immediately contain all releases of UW and other residues from UW.
- ✓Determine whether any material resulting from a release is Hazardous Waste. If so, manage according to standards in 40 CFR Parts 260-272.
- ✓The UW Handler is considered the generator of any material resulting from a release and must comply with 40 CFR Part 262-272, if hazardous.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.17 and §273.37

Compliance

Off-site shipping

- ✓UW may only be shipped to another universal waste handler, a "destination facility" (reference 40 CFR 273.9), or a foreign destination.
- ✓A UW Handler may transport their own UW off-site, in which case the UW Handler becomes a UW Transporter for such activity and must comply with the UW transport requirements (40 CFR 273 subpart D).

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.18 and §273.38

Compliance

Off-site shipping

- ✓If the UW being offered for off-site transportation meets the definition of hazardous materials under 49 CFR Parts 171 through 180 then the UW Handler must package, label, mark and placard the shipment and prepare proper compliant DOT shipping papers (49 CFR Parts 172 through 180).

- ✓Prior to sending a UW shipment, the originating UW Handler must ensure the receiving facility agrees to receive the shipment.

SQ App 1-7, p.65 | *LQ App 2-6, p.32*

40 CFR §273.18 and §273.38

Compliance

Off-site shipping

✓The receiving facility may reject either an entire or a portion of a UW shipment. In rejecting part or all of the shipment, the receiving facility must notify the originating UW shipping facility of the rejection and discuss reshipment. Reshipment may include returning the shipment to the original Handler or sent to a mutually agreeable destination facility.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.18 and §273.38

Compliance

Off-site shipping

- ✓If a shipment of UW is rejected by the receiving facility, the originating UW shipping facility must either receive the waste back or agree with rejecting receiving facility or an alternate destination facility (for the rejected shipment).

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.18 and §273.38

Compliance

Off-site shipping

✓If a receiving facility gets a shipment containing Hazardous Waste that is not UW, the receiving facility must immediately notify the appropriate EPA Regional Office *[where the Handler is located]* of the illegal shipment and provide the name, address, and phone number of the originating shipper. The EPA Regional Office will provide instructions for managing the hazardous waste.

SQ App 1-7, p.65 ***LQ App 2-6, p.32***

40 CFR §273.18 and §273.38

Compliance

Off-site shipping

- ✓If a receiving facility gets a shipment of non-hazardous, non-UW – the receiving facility may manage that waste in any way that is in compliance with applicable federal, state, or local solid waste regulations.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.18 and §273.38

Compliance

Tracking

Small Quantity Handlers

Not required to keep shipment records for any Universal waste.

Large Quantity Handlers

Have tracking obligations for each shipments received or sent. See next slide for details.

These tracking records are to be retained for three years (from the date of receipt or shipment, as appropriate).

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.19 and §273.39

Compliance

Tracking

Track UW Received

For each shipment received, have record of:

1) Name & address of facility sending UW
2) Quantity of UW received
3) Shipment receipt date

Track UW Shipped

For each outgoing shipment, have record of:

1) Name & address of facility receiving UW
2) Quantity of UW shipped
3) Shipped (left facility) date

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.39

Compliance

Exports

A UW Handler who sends UW to a foreign destination is subject to the export requirements of 40 CFR 262 Subpart H.

40 CFR 262 Subpart H include (not a full list):

- ✓ contract requirements,
- ✓ notifications,
- ✓ Electronic Export Information,
- ✓ certifications, declarations, and
- ✓ use of RCRA manifest.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.20 and §273.40

Compliance

Exports

- ✓Accumulate no longer than one year from the date UW are generated or received.
- ✓Be able to demonstrate the length of time UW have been accumulated.
- ✓Time limit exception -- when the UW Handler demonstrates such accumulation is necessary to facilitate proper recovery, treatment, or disposal.

SQ App 1-7, p.65

LQ App 2-6, p.32

40 CFR §273.15 and §273.35

Bonus

SQG Re-Notification

Generator Improvements Rule

Does your business generate small quantities of hazardous waste?

If your Iowa business generates between 220 and 2,200 pounds of non-acute hazardous waste per month, then "YES," you are a small quantity generator.

You must notify EPA of your hazardous waste activity by September 1, 2021
and every four years thereafter.

Notify or re-notify online or by mail.

- For instructions - www.epa.gov/ia/HazardousWaste/GetRealAddress
- To update online - www.RCRAinfo.epa.gov/rcrainfoprod/action/secured/login
- Online form - www.RCRApublic.epa.gov/rcrainfoweb/documents/notification.pdf
- Phone - (913) 551-7248
- Email - Iowa.Notifications@epa.gov

EPA

Bonus

SQG Re-Notification

Generator Improvements Rule

If your Small Quantity Hazardous Waste facility made <u>any type of a notification since September 2017</u>, then <u>you've met the 2021 obligation</u>.

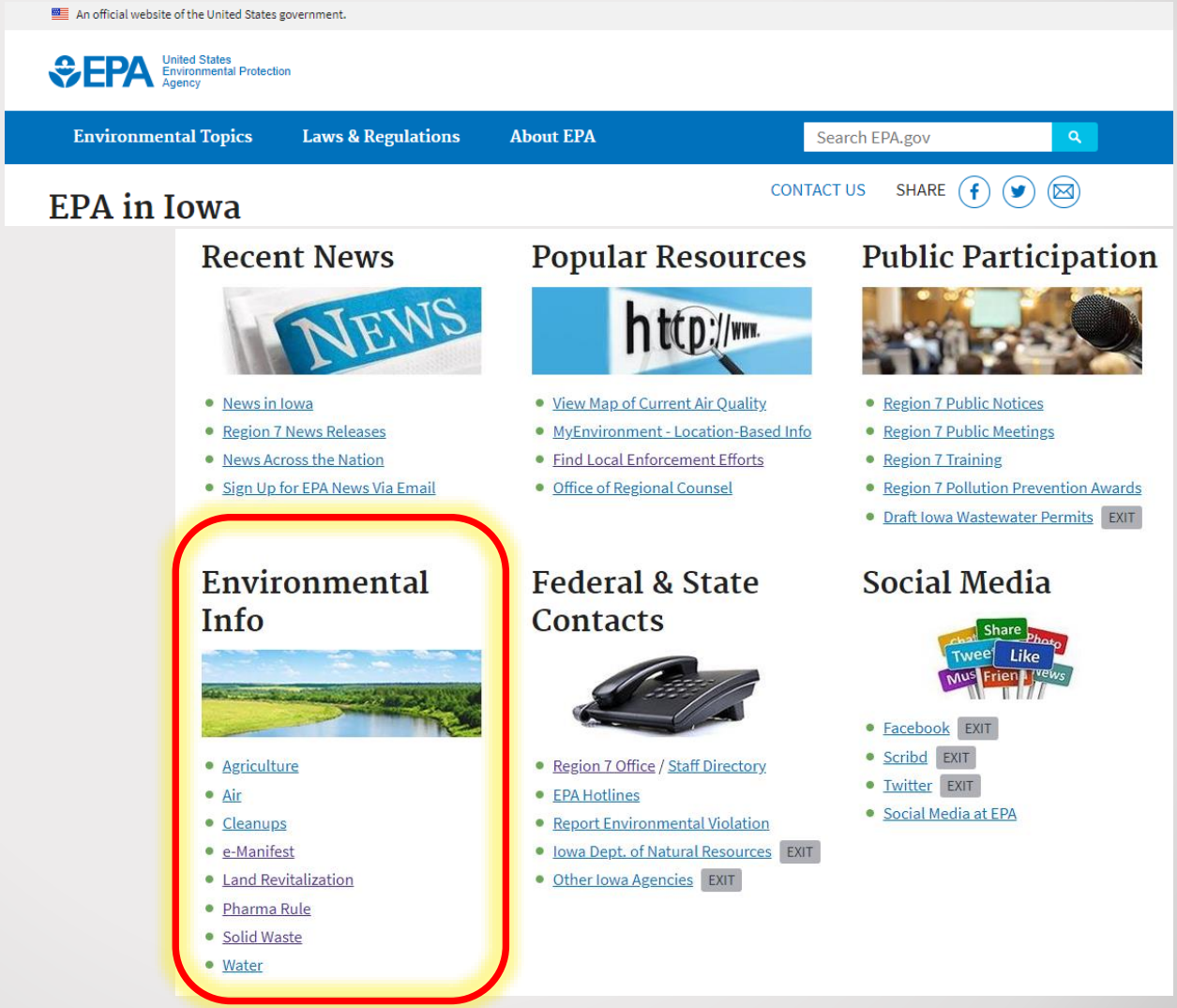
Your next re-notification deadline is September 1, 2025.

You are welcome to send in a "chat" with your facility name & address (ideally also ID number) and I will get back to you and let you know if you've already met or not met the 2021 obligation.

Resources

Resources link

https://www.epa.gov/ia



EPA Contacts

Questions:

Kevin Snowden
Region 7 Iowa Coordinator
Snowden.kevin@EPA.gov
913-551-7022

Jim Aycock
Aycock.Jim@epa.gov
913.551.7887

Marcus Rivas
Rivas.Marcus@epa.gov
913.551.7669

Link to the UW regulations:
https://www.ecfr.gov/cgi-bin/text-idx?SID=90a5e19d5f3e147497d3567891c7e7a5&mc=true&tpl=/ecfrbrowse/Title40/40cfr273_main_02.tpl

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