

It's here, the November 28, 2016 new Hazardous Waste Generator Improvements Rule (HWGIR), and the Environmental Protection Agency (EPA) should be happy. It turned out pretty well. Not for you guys and gals that have been doing it for the last 35 years, but for the new guns, the young Turks, and those of you that like to wear more than one hat, I think you will like it. This is a major re-organization of the Very Small Quantity, Small Quantity, and Large Quantity Generators and Satellite Accumulation under the Hazardous Waste Management Regulations.



The HWGIR more clearly defines the responsibilities for small quantity generators, satellite accumulation areas, central accumulation areas and large quantity generators, as EPA has now given them their own separate sections in the regulations. You will now find the requirements for Very Small Quantity Generators in Section 262.14; Satellite Accumulation in Section 262.15; Small Quantity Generators in Section 262.16; and Large Quantity Generators in 262.17. I believe there are over 60 major revisions under this new rule that will, in some way, affect every generator of hazardous waste in the United States.

These new rules will come into effect on May 30, 2017, and will require detailed documentation on hazardous waste determination, episodic releases, and preparedness and prevention plans, to name a few. But let's start with the easy changes first, such as labeling or marking of accumulation dates on containers, not tanks. I would not store hazardous waste in tanks, if I had the choice. Containers and tanks are based on mobility. If it can be moved, it is a container, as opposed to a tank which is stationary.

Starting on May 30, 2017, both large and small quantity generators will have a new requirement to add an "indication of the hazards of the contents" on each Central and Satellite Accumulation Area container. You will find this in Sections 262.15, 262.16 and 262.17. The current 40 CFR EPA Requirements in Part 262 - Standards Applicable to Generators of Hazardous Waste only require the words "Hazardous Waste" and "the date each period of accumulation begins" to be marked on each container of hazardous waste in the Central Accumulation Area. This has and will continue to apply to both large and small quantity generators, but has never been required on their containers of hazardous waste stored in the Satellite Accumulation Area. Under Satellite Accumulation, most generators had the option of marking the words "Hazardous Waste" or "other words that identify contents of the containers", but the start date was not required under Satellite Accumulation, because that is the advantage of using satellite accumulation, no start date.

To meet this new "indication of the hazards of the contents" marking requirements, the Environmental Protection Agency states the following examples are acceptable but not exclusive: "the applicable EPA hazardous waste characteristics (i.e.; ignitable, corrosive, reactive, toxic); a Department of Transportation 49 CFR Hazard Class label or placard; a hazard Statement or Pictogram under the Occupational Safety and Health Administration GHS Requirements or the National Fire Protection Association Code 704 Label."

So starting on May 30, 2017, containers stored in the Central Accumulation Areas must be marked or labeled with: the words “Hazardous Waste”, an “indication of the hazards of the contents”, and “the date each period of accumulation begins”, however the containers accumulating hazardous waste in the Satellite Accumulation Area would only require of the words “Hazardous Waste”, and “an indication of the hazards of the contents”, but not the date unless there is a one-year on-site State requirement, like in Pennsylvania and California.

Generators should be careful because, even though generators have always been allowed to accumulate waste under Satellite Accumulation without dating the containers under the Federal requirements, there is a requirement in 262.15 to mark containers holding excess Satellite Accumulation Area hazardous waste with the date the excess accumulation begins. Normal Satellite Accumulation Area containers that do not exceed 55 gallons of hazardous waste or 1 quart or 1 kg of acute hazardous waste do not require start dates; hence, the advantage of Satellite Accumulation. Containers holding the excess waste over 55 gallons of hazardous waste or 1 quart of liquid or 1 kg of solid acute hazardous waste require start dates to ensure that all excess waste in the Satellite Accumulation Area will be properly managed or removed from the Satellite Accumulation Area into the Central Accumulation Area within three calendar days of its generation.

You should also be aware that some states, with a one-year on-site rule, like California and Pennsylvania, in addition to the Federal Requirements, could require containers accumulating or being used to store hazardous waste on-site to be marked with Federal and State hazardous waste codes and State Notification statements.

So it now seems that all containers of hazardous waste, whether they are in the Central or Satellite Accumulation Area, must be marked, at the very least, with the words “Hazardous Waste” and “an indication of the hazards of the contents”. This all seems pretty straightforward. It is the dates that are freaking me out. In reviewing the new HWGIR, I have identified 6 different dates that could be displayed on containers of hazardous waste in storage and at a 10-day transfer facility under the EPA requirements. Three of them are mandatory; the other three would be up to the discretion of the generator, State or transporter.

So it's the dates that I want to talk about. I have been working on my new Hazardous Waste Storage and Shipping Labels, used to meet the requirements both under the EPA for storage of hazardous waste on-site and the DOT regulations for hazardous waste when shipped off-site. It is driving me crazy. I have identified 3 separate possible federal mandatory requirements for dating containers of hazardous waste under the new HWGIR hazardous waste requirements:

1) Excess Satellite Accumulation; 2) Central Accumulation Area accumulation start date; and 3) New Episodic Release start date. This does not include fourth date for the episodic release end date, which must be maintained in documentation, a fifth date for the Satellite Accumulation start date for certain states with a one-year on-site storage requirement, or a sixth to if the transporter decides to mark the date as a way of keeping track of the 10-day transfer facility storage requirements after the containers have left the generator's plant.

It's not pretty, but I truly believe the following marks could be used to meet most of the mandatory and non-mandatory EPA generator on-site marking and transporter 10-day transfer facility requirements. And of course, this would not cover the EPA pre-transportation marking requirements contained in 40 CFR 262.32, which I will cover in detail at a later date.

# HAZARDOUS WASTE

1) Enter the dates upon which each period of accumulation begins

- (A) **Is** this or **was** this waste in a 40 CFR 262.15  
Satellite Accumulation Area (SAA)? Yes X  
IF YES, NO DATE REQUIRED!

**Unless:**

Is this under a "One-Year On-Site State" Satellite Accumulation and  
Central Accumulation Area on-site storage requirement? Yes     

\***One-Year State Start Date**      /      /     

(ONLY CERTAIN STATES NON-MANDATORY )

or

Is this a 40 CFR 262.15(a)(6) "excess satellite accumulation" for containers  
under "3 consecutive day rule" that exceed 55 Gallons of hazardous waste  
or 1 liter or 1 kilogram of acute wastes under the Satellite Accumulation Area  
storage amounts ? Yes     

**Excess Satellite Accumulation Amount Date**      /      /     

- (B) This hazardous waste is now in the Central Accumulation Area (CAA)  
under the 40 CFR 262.17, 90-DAY (LQG) or the 40 CFR 262.16,  
180/270 DAY (SQG)? Yes

**Final Central Accumulation Area Start Date** 9 / 27 / 16

- (C) Is this a 40 CFR 262.232 Episodic Hazardous Waste? Yes       
Planned      or Unplanned

**Episodic Hazardous Waste Event Start Date**      /      /     

\***Episodic Hazardous Waste Event End Date**      /      /     

- (D) Transporter 40 CFR 263.12 10-Day Transfer Facility Start Date

\***Transfer Facility 10 Day Date** 12 / 16 / 16

2) ATTACH MATERIAL'S DOT LABELS OR PLACARDS; CHEMICAL'S  
OSHA GHS PICTOGRAMS; NFPA MARKS ON THE CONTAINER;  
INCLUDE THE NAME(S) OF THE EPA HAZARDOUS WASTE  
CHARACTERISTICS; or the CHEMICAL'S GHS HAZARD  
STATEMENT(S) BELOW:

## Ignitable

\*Generator, State or Transporter

I'm not sure what my final hazardous waste labels will look like, but it's making my head spin to think of all the new and different compliance dates under the Hazardous Waste Generator Improvements Rule, which will be required on containers after May 30, 2017. At least you have a little time to try out some different options.

If you're not sure where, when or how your container should be marked and dated, download the new rule at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-28/pdf/2016-27429.pdf>, and sign up for the latest Hazardous Materials and Waste Compliance Seminar, as we will be coming to a town near you. If you can't make the seminar and you have a question, send us an email or give us a call. Thanks for your readership, input and support.

Robert J. Keegan  
Publisher and President  
Hazardous Materials Publishing Company, Inc.  
Transportation Skills Programs, Inc.



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