

Kansas Department of Health and Environment
Bureau of Waste Management Policy 2011-P5
 related to
HHWs That Accept CESQG and KSQG Waste
 revised March 30, 2012

Purpose

This policy clarifies the discrepancy in terms between the solid waste statutes and the hazardous and solid waste regulations. It also describes the conditions under which Household Hazardous Waste (HHW) facilities may accept waste from generators of less than 220 lb of hazardous waste a month and will lay the groundwork for amendments to the HHW statutes and regulations.

Background

New Generator Classification

The Kansas hazardous waste regulations were revised in 2011. The revisions included changing the names and definitions of the different classes of generators of hazardous waste as shown in the following table.

HW generated per month	New KS Classification	Old KS Classification	Federal (EPA) Classification
< 55 lb	Conditionally exempt small quantity generator (CESQG)	Small quantity generator	Conditionally exempt small quantity generator
≥55 lb and ≤ 220 lb	Kansas small quantity generator (KSQG)	Kansas generator	
> 220 lb and < 2,200 lb	Small quantity generator (SQG)		
≥2,200 lb	Large quantity generator (LQG)	EPA generator	Large quantity generator

K.A.R. 28-29-1a indirectly amends the current solid waste regulations to reflect the new hazardous waste generator classes.

“Small Quantity”

The solid waste statutes use four different terms to describe the smaller amounts of hazardous waste that may initially be collected and handled by cities or counties:

- “small quantity generator waste” (KSA 65-3402)
- “small quantities of hazardous waste” (KSA 65-3405);
- “exempt small quantity hazardous waste generator waste” (KSA 65-3415); and
- “exempt small quantity generator hazardous waste” (65-3415a).

At the time these statutes were written, the Kansas hazardous waste regulations did not use the term “exempt small quantity generator,” so these terms are presumed to apply to hazardous waste that is “conditionally exempt” under federal regulation, i.e. waste from generators of no more than 220 lb per month.

KSA 65-3402(z) defines a household hazardous waste facility as: *“a facility established for the purpose of collecting, accumulating and managing household hazardous waste and may also include **small quantity generator waste** or agricultural pesticide waste, or both.”* One possible interpretation, using the hazardous waste regulations that were in effect when this statute was written, could be that “small quantity generator” applies to generators of less than 55 lbs of hazardous waste per month. However, the term “small quantity” in KSA 65-3402 must be interpreted consistently with the broader use of the same term in the other solid waste statutes, i.e. referring to waste from generators of no more than 220 lb per month.

Action

1. Under previous solid and hazardous waste regulations, only generators of less than 55 lb of hazardous waste per month could take their hazardous waste to an HHW facility. The revised regulations allow generators of up to 220 lb of hazardous waste a month (CESQGs and KSQGs) to take their hazardous waste to an HHW facility. SQGs as defined under the new regulations are **not** allowed to take their hazardous waste to an HHW.
2. The Bureau of Waste Management (BWM) proposes to change the current requirement that an HHW facility permit must specify whether or not the facility is allowed to accept hazardous waste from a CESQG and/or KSQG (generator waste). Instead, the regulations will be changed to establish requirements for managing this waste and for the associated recordkeeping. Until these regulatory changes can be implemented, BWM will allow HHW facilities to accept waste from CESQGs and KSQGs as long as the following requirements are followed:
 - A. Each HHW facility may accept CESQG and KSQG waste and must manage it in the same manner as that for non-hazardous household waste (if it is non-hazardous) and hazardous household waste (if it is hazardous).
 - B. Each HHW facility that accepts hazardous waste from a CESQG or KSQG must obtain a signed certification from each generator confirming their generator classification as a CESQG or KSQG. This signed certification must be on a form provided by the department (attached) and must be maintained on-site for a period of not less than three years from the last receipt of waste from that generator. If the generator’s classification changes, the generator must notify the HHW facility and complete a new certification.
 - C. The HHW facility must maintain a record of hazardous waste received from each CESQG and each KSQG. This record must be maintained on a form provided by the department (attached) and must be maintained at the HHW facility for not less than 3 years from the date the waste was received at the HHW facility. A copy of this form must be provided to the CESQG and/or KSQG upon each receipt of hazardous waste.
3. Any satellite HHW facility that is not located at a permitted solid waste disposal area or a permitted solid waste transfer station may accept CESQG and/or KSQG waste only if the following conditions are met:
 - A. The waste is similar in type and quantity to household waste;
 - B. No container has a volume greater than 5 gallons;
 - C. All of the waste fits in the HHW cabinet;

- D. The satellite HHW facility manages the waste in the same manner as non-hazardous household waste (if it is non-hazardous) and hazardous household waste (if it is hazardous).
- E. The satellite HHW facility obtains a signed certification from each generator confirming their generator classification as a CESQG or KSQG. This signed certification must be on a form provided by the department (attached) and must be maintained on-site for a period of not less than three years from the last receipt of waste from that generator. If the generator's classification changes, the generator must notify the satellite HHW facility.
- F. The satellite HHW facility maintains a record of hazardous waste received from each CESQG and KSQG. This record must be maintained on a form provided by the department (attached) and must be maintained at the satellite HHW facility for not less than 3 years from the date the waste was received at the HHW facility. A copy of this form must be provided to the CESQG or KSQG upon each receipt of hazardous waste.

This policy shall remain in effect until it is revoked or is rendered obsolete by amendments to the solid waste laws or regulations.



William L. Bider
Director, Bureau of Waste Management

Mar 30, 2012
Date

Certification of Hazardous Waste Generator Status

Household hazardous waste (HHW) facility: _____

Permit Number: _____

Hazardous Waste Generator

Facility Name: _____

Facility Address: _____

EPA ID Number (if facility has one): _____

Contact Name: _____

Contact Phone: _____ Contact e-mail: _____

Hazardous Waste Generator Status (Check One)

- Conditionally Exempt Small Quantity Generator (generates less than 55 lbs of hazardous waste per month)
- Kansas Small Quantity Generator (generates 55 lbs or greater, but less than 220 lbs per month of hazardous waste)

By signing below, I certify that I represent the Hazardous Waste Generator Facility listed above and that the hazardous waste generator status marked is currently accurate for that facility.

Signature of Facility Contact

Date

