

NEW HAZARDOUS WASTE GENERATOR REGULATIONS

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Our Vision – Healthy Kansans living in safe and sustainable environments.

MAJOR CHANGES

- Adopting through 2006 CFRs (Yellow CFRs)
- New Numbering System
- Four Generator Classifications
- New Generator Classification Names
- New Generator Classification Definitions
- Less Regulation for Generators of between 55 lbs and 220 lbs per month
- Additional Requirements for Generators of between 220 lbs and 2,200 lbs per month

THINGS NOT CHANGING

- Basic Container Management Requirements
- Acute Hazardous Waste (P-List) requirements
- Used Oil Requirements
- Universal Waste Requirements
- Recordkeeping
- Manifests

NEW NUMBERING SYSTEM

- Our numbering system will mimic EPA's system.
 - Generator requirements will be
 - 28-31-262
 - Used Oil requirements will be
 - 28-31-279
 - Universal Waste will be
 - 28-31-273
 - Etc.

NEW NUMBERING SYSTEM

- K.A.R. 28-31-4 has been eliminated.
- Generator requirements will now be formatted as follows:
 - First to appear will be EPA regulations being adopted as follows (i.e. K.A.R. 28-31-260, K.A.R. 28-31-261)
 - Next to appear additional Kansas regulations (i.e. K.A.R. 28-31-260a, K.A.R. 28-31-261a)

FOUR CLASSES OF GENERATORS

- Conditionally Exempt Small Quantity Generator (CESQG)
(less than 55 lbs/month)
- Kansas Small Quantity Generator (KSQG)
(55 lbs or more but less than 220 lbs/month)
- Small Quantity Generator (SQG)
(220 lbs/month or more but less than 2,200 lbs/month)
- Large Quantity Generator (LQG)
(2,200 lbs/month or more)

Generator size kg of HW/month	Kansas Current Classification	Kansas Proposed Classification	Federal (EPA) Classification
Generators of less than 55 pounds of hazardous waste/month	Small quantity generator	Conditionally exempt small quantity generator	Conditionally-exempt small quantity generator
Generators of 55 lbs or more but no more than 220 lbs/month	Kansas generator	Kansas small quantity generator	
Generators of greater than 220 lbs but less than 2,200 lbs of hazardous waste/month		Small quantity generator	Small quantity generator
Generators of 2,200 lbs or more of hazardous waste/month	EPA generator	Large quantity generator	Large quantity generator

**CHANGES AFFECTING
GENERATORS AND/OR
AREAS WHERE KDHE IS
MORE STRINGENT THAN EPA**

CESQG

- CESQG who accumulates 55 pounds of HW or more on-site must [**More stringent than EPA**]:
 - Conduct monthly inspections of hazardous waste storage containers and document the inspections (weekly inspections are currently required)
 - Dispose of hazardous waste at an approved site (HHW permitted for CESQG waste or a TSDF) (no changes).

KSQG

- Must conduct monthly inspections of hazardous waste storage containers and document the inspections. (weekly currently required) [**More stringent than EPA**]
- Will be able to use a household hazardous waste facility (HHW) for disposal if the HHW is permitted to accept their waste.
- If exceed 2,200 pounds of hazardous waste on-site, then must meet SQG requirements.
- Must obtain an EPA identification Number from KDHE. (Existing requirement) [**More stringent than EPA**]

KSQG (Continued)

- Must use a transporter and TSD who have EPA Identification Numbers and have properly registered with KDHE, unless transporting their own waste to a reclamation facility or Kansas household hazardous waste facility permitted to accept KSQG waste [**More stringent than EPA**] (no change).
- Preparedness and Prevention Requirement Change: If the generator relies solely on cell phones then they must post emergency information on walls readily visible to employees, train employees on the locations of the postings, and program managers cell phones with emergency telephone numbers.

KSQG (Continued)

- Training requirement change:
 - Ensure that all personnel are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies (existing requirement)
 - Initial training within 6 months of hire
 - Annual training after initial training
 - Training documented and maintained for 3 years

(The initial and annual training and the documentation of training are new requirements).

SQG

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SQG (Continued)

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SQG (Continued)

- Store hazardous waste on-site for 180 days or less or 270 days or less if the generator must transport hazardous waste 200 miles or more for off-site treatment, storage or disposal.
- If exceed 13,200 lbs (6,000 kg) of hazardous waste on-site, then must meet **TSDF** requirements (obtain a permit).

LQG

- Only one extension can be granted to the 90-day storage limit.
- No other significant changes except those affecting all generator classifications.

CHANGES AFFECTING ALL GENERATORS

- Must update Notification form within 60 days of information changing [**More stringent than EPA**] Does not apply to CESQG
- Commercial Chemical Product is defined to help distinguish between waste and product.
- Adopting through 2006 CFRs (Yellow CFRs)
 - Significant changes had already been adopted through policy.
 - KS is not adopting the new Definition of Solid Waste at this time.

COMMERCIAL CHEMICAL PRODUCT (CCP)

- Defined in 28-31-261a(b).
- Any chemical that meets all of the following:
 - 1 or more potential uses
 - Chemical is unused and in its original physical and chemical state or is reusable for its intended purpose without treatment or processing
 - It is in its original or equivalent container
 - It is in good condition

CCP (Continued)

- Any chemical that meets all of the following:
 - Has a legible label that identifies the contents
 - Is stored in a manner that preserves the chemical integrity
 - Can be reasonably used within the shelf life based on the following criteria:
 - The amount in storage;
 - Shelf life relative to the projected use or uses;
 - Historical use of the chemical; and
 - Any other relevant information.

OTHER AREAS KDHE REMAINS MORE STRINGENT THAN EPA

- If analytical tests are used, then the generator must use a laboratory certified by KDHE [**More stringent than EPA**]
- KSQGs (55 to 220 lbs/month) are more heavily regulated than at federal level
- Must pay an annual monitoring fee to KDHE [**More stringent than EPA**] – Does not apply to CESQG
- Satellite accumulation container requirements are different.
 - KDHE only allows 1 container up to 55 gallons (not lbs)
 - KDHE requires the words “Hazardous Waste”

COMMON VIOLATIONS

- Container Management
- Failure to determine if a waste is hazardous (most commonly cited for unknowns)
- Emergency Preparedness and Prevention
 - Not notifying hospitals of potential hazards
 - Posting emergency info (KSQG and SQG)
 - Not updating Contingency Plan (LQG)

COMMON VIOLATIONS

(Continued)

■ Training

- KSQG and SQG

- Not providing adequate training

- LQG

- Inadequate job descriptions

- No list of training to be provided to each employee

- Skipping annual training

QUESTIONS?

