Advanced Hazardous Waste Generator Workshop 2014

Our Mission: To protect and improve the health and environment of all Kansans.
WORKSHOP OVERVIEW

- Will discuss advanced topics in hazardous waste (HW) management, including:
  - e-Manifesting Update
  - Precious Metals and Batteries Regulation (40 CFR Part 266)
  - Solvent-Contaminated Wipes Rule in KS
  - Used Oil Requirements
  - Evaporation of Waste
  - Corrective Action
  - Weekly Inspections
  - Training
  - 90- and 180-day Storage Limits

- Opportunity for questions
E-MANIFESTING UPDATE

- Congress failed to fund the e-manifesting system. This pushes back the implementation schedule.
E-MANIFESTING UPDATE

- EPA has started the Fee Rule work group and expects to have the proposed fee methodology and related policy proposals published in late 2015.
- EPA hopes to have the Final Fee Rule schedule (amounts) published in late 2017 or early 2018.
E-MANIFESTING UPDATE

❖ Production of the e-manifest system is planned for late spring 2018.

❖ At this time, it is planned that at least one paper manifest will accompany the waste with the transporter and paper manifests will be used if the system goes down.
E-MANIFESTING UPDATE

- Generators will be able to view their own information at any time.
- The public will be able to access information on all shipments after 90 days have passed from the receipt of the shipments at designated facilities.
RECYCLING FOR PRECIOUS METALS RECOVERY

- Part 266 Subpart F – Recyclable Materials Utilized for Precious Metal Recovery
- Applies to recyclable materials reclaimed for economically significant amounts of gold, silver, platinum, ruthenium, paladium, irridium, osmium, rhodium, or any combination.

Our Mission: To protect and improve the health and environment of all Kansans.
RECYCLING FOR PRECIOUS METALS RECOVERY

- Subject to the following requirements:
  - Notification (Form 8700-12)
  - Subpart B of part 262 (generators) [manifesting requirements]
  - Additional requirements if importing or exporting.
RECYCLING FOR PRECIOUS METALS RECOVERY

- Maintain records to demonstrate not accumulating speculatively:
  - Records showing the volume stored at the beginning of the calendar year;
  - The amount of these materials generated or received during the calendar year;
  - The amount of materials remaining at the end of the calendar year.
There are three choices for managing spent lead-acid batteries:
• Manage as hazardous waste; or
• Manage as universal waste; or
• Manage under 40 CFR Part 266 Subpart G – Spent Lead-Acid Batteries Being Reclaimed.
SPENT LEAD-ACID BATTERIES BEING RECLAIMED

- If you are a generator who is sending the batteries for recycling (regeneration or otherwise) then you must:
  - Determine if the batteries are hazardous waste (use your knowledge, they contain acid and lead)
  - Ensure that they do not pose a risk to human health or the environment (don’t let them leak and store them where they will not be damaged or knocked over).
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Became effective at the federal level January 2014.
- Kansas Policy BWM 2013-P2, “Solvent-Contaminated Wipes” allows generators to follow this federal rule in Kansas now (signed December 2013).
Our Mission: To protect and improve the health and environment of all Kansans.

SOLVENT-CONTAMINATED WIPES RULE IN KS

- Applies to any wipe contaminated with one or more solvents on the F001 through F005 lists in 40 CFR 261.31 or the corresponding P- or U-listed solvents found in 40 CFR 261.33, or that exhibits the characteristic of ignitability.
- Applies to wipes being sent for disposal or being laundered (reusable wipes).
- If a wipe is listed for anything other than solvents, has trichloroethylene (disposable wipes only), or is characteristic for toxicity, corrosivity, or reactivity, it is NOT eligible for this rule.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Reusable wipes managed under this rule:
  - Are excluded from the definition of solid waste (do not require a hazardous waste determination);
  - Do not count toward the generator status (counting of wastes).
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Disposable wipes managed under this rule:
  - Are excluded from the definition of hazardous waste (do require a hazardous waste determination);
  - Do not count toward the generator status (counting of wastes).
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Container management for wipes under this rule:
  - Non-leaking;
  - Closed;
  - Able to contain free liquids;
  - Labeled with the words “Excluded Solvent-Contaminated Wipes”;
  - Marked with the accumulation start date or alternative tracking method;
  - Removed from the site within 180 days.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Recordkeeping
  - Documentation of the name and address of all handlers receiving the wipes, including laundries, dry cleaners, landfills, or combustors.
  - Records (or labeling) to document that wipes are on-site for 180 days or less.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Recordkeeping (continued)
  - Description of how the “no free liquids” condition is satisfied. This must include a description of all technologies, methods, sampling, or knowledge that the generator is using to ensure that wipes sent to handlers contain no free liquids.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Free Liquids
  - If free liquids occur at the generating facility, they should be removed and properly managed, and would count toward the generator’s hazardous waste status.
  - If free liquids occur at a handling facility, they should be removed and properly managed and would count toward the handler’s hazardous waste status.
SOLVENT-CONTAMINATED WIPES RULE IN KS

- Important notes about the rule in Kansas:
  - KDHE acknowledges that zipping plastic bags will hold free liquids and can be used adequately to hold wipes.
  - If you are sending disposable wipes to a landfill, make sure that landfill has a synthetic liner. Acceptable Kansas landfills are listed in our TGD.
USED OIL REQUIREMENTS

- Used oil (UO) is not a hazardous waste as long as it is recycled. Therefore it does not count towards your HW generator classification.
- Containers and above-ground tanks of UO must be marked with the words “Used Oil” and maintained in good condition.
- Must use a transporter registered with KDHE unless you are transporting less than 55-gallons of your own used oil to an aggregation point or collection center.
USED OIL REQUIREMENTS

- Used oil can be burned in an on-site space heater that meets the following:
  - Has a maximum capacity of 0.5 million Btu per hour;
  - Combustion gases are vented to the ambient air;
  - No off-site used oil is accepted (except from do-it-yourselfers).
EVAPORATION OF WASTE

- Evaporation may be occurring in open containers, pans, and in units designed to evaporate waste.
- Hazardous waste should not be evaporated without a treatment permit unless it is done in one of the following units:
  - totally enclosed treatment system; or
  - sludge dryer.
EVAPORATION OF WASTE

- If you choose to evaporate hazardous waste in one of these units, it is a very good idea to seek KDHE’s concurrence that you do NOT need a treatment permit.
EVAPORATION OF WASTE

- Failure to follow the permitting requirements can result in a violation for unlawful treatment of hazardous waste in violation of K.S.A. 65-3441(a)(2).
CORRECTIVE ACTION

❖ On 9/20/2013 KDHE received authorization from EPA to administer the Corrective Action (CA) Program
❖ Management of sites will transition from EPA to KDHE over time on a case-by-case basis.
❖ CA applies to TSDFs (not generator-only status).

Our Mission: To protect and improve the health and environment of all Kansans.
CORRECTIVE ACTION

- If there is a release (spill) at a TSDF, corrective action will now be directed by KDHE (or EPA if the site has not yet transitioned).
- If there is a spill at a generator-only facility, spill reporting requirements/response actions will be directed by appropriate state or federal agency (no change).
WEEKLY INSPECTIONS

❖ Inspection Frequency:
  • LQG and SQG – Weekly (at least every 7 days)
  • KSQG and accumulating CESQG – Monthly (at least every 31 days)

❖ Any generator subject to inspection requirements must: inspect their hazardous waste storage containers to ensure that they are not leaking and for deterioration of containers (40 CFR 265.174).
WEEKLY INSPECTIONS

Inspections (continued)

• Record the inspection including:
  ▪ Date and time of the inspection.
  ▪ Name of the inspector (not initials).
  ▪ Notation of the observations made.
  ▪ Date and nature of any repairs or other remedial actions.
  ▪ Maintain the record for 3 years (40 CFR 165.15(d)).
TRAINING (KSQG AND SQG)

- Ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies (40 CFR 262.34(d)(5)(iii)).
- Provide training within 6 months of hire (or transfer to a new position)
- Repeat training annually
TRAINING
(KSQG AND SQG)

- Record the following:
  - Name of each employee
  - Date of the training, and
  - Topics covered in the training.
- Maintain training records for at least three years from the date of the training.
 TRAINING (LQG)

- Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with the requirements of this part. (40 CFR 265.16)
TRAINING (LQG)

The program must be directed by a person trained in HW management procedures and must teach employees HW management procedures relevant to their positions (including contingency plan implementation).
TRAINING (LQG)

- At a minimum it must ensure that employees are able to respond effectively to emergencies by familiarizing them with emergency procedures, equipment, and systems.
- The training must be completed within 6 months of hire (or transfer to a new position) and repeated annually.
TRAINING (LQG)

- Must maintain the following records:
  - Job title for each position related to HW management and the name of the employee(s) filling each job;
  - A written job description for each position listed above (must describe the HW management duties);
TRAINING (LQG)

- Recordkeeping (continued)
  - Maintain a written description of the type and amount of both introductory and continuing training given to each person filling each HW management position.
  - Records that document that training has been completed.
  - Maintain records until closure of the facility (or for three years from an employee’s departure from the facility).
90 AND 180-DAY STORAGE LIMITS

- Each storage container must have an accumulation start date.
- LQGs have 90 days from the accumulation start date to ship their waste off-site.
- SQGs have 180 days from the accumulation start date to ship their waste off-site.
  - 270 days if the waste will be sent 200 miles or more.
90 AND 180-DAY STORAGE LIMITS

- KDHE can grant one 30-day extension.
- Storing waste on-site longer than the allowed time requires a RCRA storage permit. Not having that permit and storing waste beyond the allowed time is a serious violation.
CONTACT INFO

• BWM web site: http://www.kdheks.gov/waste

• Rebecca Wenner
  785-296-1604
  rwenner@kdheks.gov
Questions
Our Mission: To protect and improve the health and environment of all Kansans.

www.kdheks.gov