

# HAZARDOUS WASTE GENERATOR IMPROVEMENTS RULEMAKING IN CALIFORNIA

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Compliance Notebook

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### Hazardous Waste Generator Improvements Rulemaking in California



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### Expert Training—Anytime, Anywhere™

Lion Technology provides:

- Over 25 California workshops annually
- Title 22 hazardous waste workshops
- Nationwide training: EPA, RCRA, DOT, IATA, IMDG, OSHA
- Convenient online courses
- Tailored on-site training programs



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### Objectives

1. Review the history of GIR adoption and implementation
2. Discuss the changes DTSC has adopted
3. Discuss the changes STSC did not adopt
4. Question and Answer Session



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 **Key Dates for the Rulemaking**

- The Federal final rule:
  - Signed October 28, 2016
  - Published on November 28, 2016
  - Effective on May 30, 2017



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 **Objectives of the Rulemaking**

1. Reorganize the hazardous waste generator regulations to make them more user-friendly and improve their usability
2. Provide a better understanding of how the RCRA hazardous waste generator regulatory program works
3. Address gaps in the regulations



[81 FR 85732, November 28, 2016]

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 **Objectives of the Rulemaking**

4. Provide greater flexibility for hazardous waste generators to manage their hazardous waste
5. Make technical corrections and changes to address inadvertent errors, remove obsolete programs, and improve the readability of the regulations



[81 FR 85732, November 28, 2016]

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 **New Hazardous Waste Rules: RCRA vs. HSWA**

- A new RCRA rule is only effective in a state operating its own program when the state adopts the rule
  - Must adopt if more stringent than state's rules
- A new HSWA rule is effective in ALL states on its effective date, whether the state adopts or not
  - If new rule is less stringent, state can continue to follow its own more restrictive rule



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 **Effect of New Rulemaking on States**

The rule was a “non-HSWA” rulemaking

- “Authorized” states were required to adopt the more stringent provisions within 12 to 24 months



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 **California Adoption of GIR**

- On May 6, 2024, California's Office of Administrative Law (OAL) approved the DTSC's Generator Improvement Rule
- The effective date of the new rule was July 1, 2024

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**Reorganization of the Hazardous Waste Generator Regulations**

- DTSC reorganized the hazardous waste generator regulations to align them with the Federal reorganization
  - The DTSC believes that this reorganization will improve the overall clarity of the hazardous waste generator regulations and ensure that the mandatory provisions can be easily integrated into California’s existing regulations.

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**Reorganization of the Hazardous Waste Generator Regulations**

Key features of this reorganization include:

1. Separating the existing regulations for small quantity generators (SQGs), large quantity generators (LQGs), and satellite accumulation areas (SAAs) into three new sections
2. Adding subtitles to the new sections
3. Moving preparedness and prevention requirements and contingency and emergency procedures for LQGs to the new Article 9 in 22 CCR Division 4.5, Chapter 12

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**Reorganization of the Hazardous Waste Generator Regulations**

Requirement	New Regulatory Citation [22 CCR]	Old Regulatory Citation [22 CCR]
Purpose, Scope, and Applicability	66262.10	66262.10
Waste Determination and Recordkeeping	66262.11 and 66262.40(c)	66262.11 and 66262.40(c)
Generator Category Determination	66262.13	66262.34(a), (b)(1), and (d)
Satellite Accumulation	66262.15	66262.34(e)
Container Management	66262.15(a)(1)-(5)	66265.171-66265.173(a)
Emergency Preparedness/Planning	66262.16(b)(7) (SQGs) 66262. Article 9 (LQGs)	N/A
Small Quantity Generator Accumulation	66262.16	66262.34(d)-(f)
Container Management	66262.16(b)(2)	40 CFR 265, Subpart I (excepted 265.176 and 265.178)
Tank Management	66262.16(b)(3)	40 CFR 265.201
Emergency Preparedness/Planning	66262.16(b)(6)-(7)	40 CFR 265, Subpart C
Rejected Loads	66262.16(e)-(f)	66262.34(g)-(h)

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## Reorganization of the Hazardous Waste Generator Regulations

Large Quantity Generator Accumulation	66262.17	66262.34(a)
Container Management	66262.17(a)(1)	Div. 4.5, Ch. 15, Article 9
Tank Management	66262.17(a)(2) and Div. 4.5, Ch. 15, Article 10	Div. 4.5, Ch. 15, Article 10
Drip Pad Management	66262.17(a)(3) and Div. 4.5, Ch. 15, Article 17.5	Div. 4.5, Ch. 15, Article 17.5
Containment Building Management	66262.17(a)(4) and Div. 4.5, Ch. 15, Article 29	Div. 4.5, Ch. 15, Article 29
Emergency Preparedness/Planning	66262, Article 9	Div. 4.5, Ch. 15, Article 3
Rejected Loads	262.17(g)(c)-(d)	262.34(g)-(h)
Personnel Training	66262.17(a)(7)	66265.16
Closure Requirements	66262.17(a)(8)	66265.111 and 66265.114
RCRA Notification (EPA ID Numbers)	66262.18	66262.12

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## Generator Categories

Three categories of generators:

1. Very small quantity generators (VSQGs) (*formerly CESQG*)
  - Essentially follow SQG rules
2. Small quantity generators (SQGs)
3. Large quantity generators (LQGs)



[22 CCR 66260.10 and 66262.13] © Lion Technology Inc.

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## Generator Category Determination

- Counting rules were moved from 22 CCR 66262.34 to 22 CCFR 66262.13
- Count acute/extremely hazardous separately from non-acute, then compare to the entries in the table and apply the *more stringent* category

Quantity of acute hazardous waste generated in a calendar month	Quantity of extremely hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Generator category
> 1 kg	Any amount	Any amount	Large quantity generator
Any amount	> 1 kg	Any amount	Large quantity generator
Any amount	Any amount	≥ 1,000 kg	Large quantity generator
≤ 1 kg	≤ 1 kg	< 1,000 kg	Small quantity generator
≤ 1 kg	≤ 1 kg	≤ 100 kg	Very small quantity generator*

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### Generator Category Determination

TABLE 1 TO §66262.13—GENERATOR CATEGORIES BASED ON QUANTITY OF WASTE GENERATED IN A CALENDAR MONTH

Quantity of acute hazardous waste generated in a calendar month	Quantity of extremely hazardous waste generated in a calendar month	Quantity of non-acute hazardous waste generated in a calendar month	Generator category
> 1 kg	Any amount	Any amount	Large quantity generator
Any amount	> 1 kg	Any amount	Large quantity generator
Any amount	Any amount	≥ 1,000 kg	Large quantity generator
≤ 1 kg	≤ 1 kg	< 1,000 kg	Small quantity generator
≤ 1 kg	≤ 1 kg	≤ 100 kg	Very small quantity generator*

\*While the term "very small quantity generator" is defined at 22 CCR 66260.10 and included in Table 1 to 22 CCR 66262.13, it is not actually recognized as a generator category in the state of California. Very small quantity generators will follow the on-site requirements that small quantity generators follow at 22 CCR 66262.16.

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### Accumulation Options

There are three accumulation options that are subject to conditions for exemptions:

1. Satellite accumulation
  - 22 CCR 66262.15 (formerly 22 CCR 66262.34(e))
3. Small quantity generators
  - 22 CCR 66262.16 (formerly 22 CCR 66262.34(d)–(f))
4. Large quantity generators
  - 22 CCR 66262.17 (formerly 22 CCR 66262.34(a))



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### “Indicating the Hazards” Markings

California did not specify a method/means for marking the hazards of the contents

Options for marking hazards include:

- Descriptions of the hazards and/or waste characteristics
- US DOT labels or placards
- GHS pictograms or hazard statements
- NFPA chemical hazard labels
- HMIS hazard labels

Reactivity Waste – Dangerous when Wet

[22 CCR 66262.15–66262.17]

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 **Changes to Satellite Accumulation**

- Threshold limits for acute hazardous waste now include 1 kg for solids
- The quantity limits for a process or group of processes in the same physical area of 22 CCR 66262.34(e)(2) have been *removed*
- Added requirements for incompatible wastes
  - Must be separated or protected from each other

[22 CCR 66262.15]

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 **Satellite Accumulation Container Closure**

California is allowing the container to remain open when "temporary" venting is necessary either:

- For the proper operation of equipment
  - or –
- To prevent "dangerous" situations (e.g., buildup of extreme pressure)



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 **Satellite Accumulation Container Marking**

New marking requirement for satellite containers:

- An indication of the hazard(s)

*NOTE: All previous markings required by California are still necessary (e.g., "Hazardous waste," composition, physical state, start date)*



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**The Satellite Accumulation Exemption**  
Marking Requirements BEFORE Exceeding Quantity Thresholds

Each satellite container must be marked with:

- The words "Hazardous Waste"
- The composition and physical state of the waste
- An indication of the hazards of the waste
- The name and address of person generating the waste
- The accumulation start date



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**Satellite Accumulation Emergency Preparedness/Planning**

Satellite accumulation areas must now meet generator-specific emergency preparedness/ planning requirements:

- 22 CCR 66262.16(b)(6)–(7) if SQG
- Preparedness, Prevention, and Emergency Procedures in Article 9 of this chapter if LQG



[22 CCR 262.15(a)(7)–(8)]

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**Changes for Small Quantity Generators**

All provisions from 22 CCRR 66262.34(d)–(f) moved to 22 CCR 66262.16

- Container requirements rolled into requirements
- Tank requirements rolled into requirements



[22 CCR 66262.16]

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 **Small Quantity Generator Containers**

The EPA did not include the allowance for "temporary venting" that was included in the satellite standards



[22 CCR 66262.16(b)(2)]

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 **Small Quantity Generator Container Markings**

New marking requirement for *containers* and *tanks*:

- Indication of the hazard(s)

*NOTE: All previous markings required by California are still necessary (e.g., "Hazardous waste," composition, physical state, start date)*



[22 CCR 66262.16(b)(4)]

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 **Marking Requirements for Containers**

Containers must be marked with the following:

- The words "Hazardous Waste"
- The composition and physical state of the waste
- An indication of the hazards of the waste
- The name and address of person generating the waste
- The accumulation start date



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 **Small Quantity Generator**  
Additional Tank Requirements

Inventory logs, monitoring equipment, or other records must be used to demonstrate that:

- The tank is emptied every 180 days for batch processes, or
- Estimated volumes of hazardous waste entering the tank daily exit the tank within 180 days ("throughput") for continuous flow processes

*Logs and records must be kept on site and be readily available*



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 **Small Quantity Generator**  
Emergency Preparedness

Emergency preparedness requirements from 40 CFR 265, Subpart C rolled into other SQG requirements

- Arrangements with outside authorities may now be made through the local emergency planning committees (LEPCs)



[22 CCR 66262.16(b)(6)-(7)]

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 **Small Quantity Generator**  
Emergency Procedures

Revised requirement for posting emergency response information "next to the telephone"

- New rules require information be posted "next to telephones or in areas directly involved in the generation *and* accumulation of hazardous waste"



[22 CCR 66262.16(b)(7)(B), emphasis added]

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 **Very Small Quantity Generator**  
"Relief" Moved

The "relief" to the storage date for generators who generate less than 100 kg of hazardous waste per month (a.k.a. VSQGs) has been moved under the SQG exemption at 22 CCR 66262.16(g)(1)

- The 180-day/270-day accumulation time period begins on the date the generator has accumulated 100 kg of hazardous waste or 1 kg of acutely hazardous waste or 1 kg of extremely hazardous waste
  - This "relief" used to only allow "90 days" previously

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 **Changes for Large Quantity Generators**

All provisions from 22 CCR 262.34(a) as well as other Articles for LQGs moved to 22 CCR 66262.17

- Container requirements rolled into LQG requirements
- Training requirements from rolled into LQG requirements



[22 CCR 66262.17]

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 **Large Quantity Generator**

- Air emission, tank, drip pad, and containment building requirements still cross-referenced to Chapter 15 (i.e., "TSDf regulations")



[22 CCR 66262.17]

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 **Large Quantity Generator**

- Emergency preparedness and contingency plan requirements for LQGs now found at Article 9 in 22 CCR Division 4.5, Chapter 12
  - Entitled Preparedness, Prevention, and Emergency Procedures for LQGs



[22 CCR 66262.17]

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 **Large Quantity Generator Containers**

The EPA did not include the allowance for “temporary venting” that was included in the satellite standards



[22 CCR 66262.17(a)(1)]

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 **Large Quantity Generator Containers Holding Ignitable and Reactive Wastes**

- Incorporated the “no smoking” sign requirement for areas storing D001 and D003 wastes
- In central accumulation areas, precautions must be taken to prevent accidental ignition or reaction of D001 and D003 wastes



[22 CCR 262.17(a)(1)]

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 **Large Quantity Generator Container Markings**

New marking requirement for containers and tanks:

- An indication of the hazard(s)

*NOTE: All previous markings required by California are still necessary ("Hazardous waste," composition, physical state, start date, etc.)*



[22 CCR 66262.17(a)(5)]

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 **Marking Requirements for Containers**

Containers must be marked with the following:

- The words "Hazardous Waste"
- The composition and physical state of the waste
- An indication of the hazards of the waste
- The name and address of person generating the waste
- The accumulation start date



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 **Large Quantity Generator Additional Tank Requirements**

Inventory logs, monitoring equipment, or other records must be used to demonstrate that:

- The tank is emptied every 90 days for batch processes, or
- Estimated volumes of hazardous waste entering the tank daily exit the tank within 90 days ("throughput") for continuous flow processes

*Logs and records must be kept on site and be readily available*



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 **LQG Closure Requirements**  
Closing a Storage Unit

When closing a storage unit, the generator must either:

- Place a note in the operating record within 30 days of closure
- Undertake the closure performance standards

*NOTE: Closure requirements do not apply to SAAs*



[22 CCR 66262.17(a)(8)]

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 **LQG Closure Requirements**  
Closing a Facility

- Must notify DTSC 30 days prior to closing
- Must notify DTSC 90 days after clean closure of the unit or site



[22 CCR 66262.17(a)(8)]

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 **LQG Closure Requirements**  
Closure Performance Standards

- The requirements for closure performance standards were rolled into LQG rules
  - Include more details on cleaning and decontaminating the unit and site
- If the contamination cannot be cleaned up, the facility is:
  - Considered to be a landfill
  - Subject to notification and post-closure care at Articles 7 and 8 of Chapter 15



[22 CCR 66262.17(a)(8)]

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 **LQG Emergency Preparedness and Prevention**

All provisions from Div. 4.5, Ch. 15, Article 3 were moved to 22 CCR 66262, Article 9

- Arrangement for outside authorities may now be made through the local emergency planning committees (LEPCs)



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 **LQG Emergency Preparedness Quick Reference Guide**

LQGs must prepare and submit a quick reference guide for emergency responders or LEPC that contains:

1. Name(s) and type(s) of hazardous waste
2. Maximum quantities
3. Wastes requiring special medical treatment
4. Map of facility



[22 CCR 66262.262]

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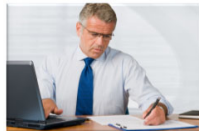
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 **LQG Emergency Preparedness Quick Reference Guide**

LQGs must prepare and submit a quick reference guide for emergency responders or LEPC that contains:

5. Street map of facility in relation to businesses, schools, and residences
6. Location of water supply
7. On-site notification system
8. Emergency coordinator(s)



[22 CCR 66262.262]

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 **LQG Emergency Preparedness Quick Reference Guide**

- New LQGs must immediately develop the quick reference guide
- Existing LQGs must develop the quick reference guide next time they update their contingency plans

[22 CCR 66262.262]

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 **Amendments to the Contingency Plan and Quick Reference Guide**

The plan and guide must be amended whenever:

- Regulations change
- Plan fails
- Facility changes in a way that:
  - Increases potential for fires, explosions, or releases
  - Changes emergency response actions
- Emergency coordinator information changes
- Emergency equipment changes



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 **EPA Identification Numbers and Re-Notification**

- Requirements to obtain an EPA ID number moved from 22 CCR 66262.12 to 66262.18
- SQGs must now re-notify every four years
  - Starting 2024
  - By September 1
- LQGs must re-notify by March 1 of even-numbered years (may be done as part of biennial report)



[22 CCR 66262.18]

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 **New Requirements for Biennial Report Applicability**

Generators that were large quantity generators for at least one month during the reporting year must now report their hazardous waste generation activities *for the entire year*



[22 CCR 66262.41(a)]

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 **New Pre-transport Requirements Waste Codes**

In addition to other required markings, non-bulk containers ( $\leq 119$  gal.) must also be marked with all applicable EPA waste codes



[22 CCR 66262.32]

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 **Episodic Generation**

California did NOT adopt the episodic generation relief



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