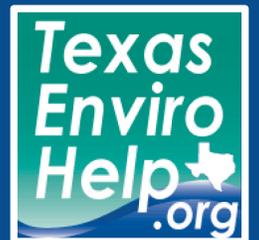




# New Industrial and Hazardous Waste Rules



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# Overview

- Background
- Generator Improvement Rule
- Other Rule Package Changes
- Rule Adoption Process
- Compliance Resources
- SBLGA

# Background (1 of 2)

## Hazardous Waste Regulatory Program

- RCRA passed by U.S. Congress 1975, Texas received RCRA authorization 1984
- Largest change in Texas's Hazardous Waste Program since authorization

# Background (2 of 2)

- In 2017, EPA issues final rule incorporating changes to the Hazardous Waste Generator Program
  - In 2019, EPA issues final rule for pharmaceutical hazardous waste program
- Texas must adopt more stringent rules to maintain RCRA authorization
- TCEQ has adopted these regulations
- Effective February 3, 2022

# Rule Package Contents

- Generator Improvement
- Pharmaceutical Rule
- Aerosol cans as universal waste
- Revisions to Definition of Solid Waste
- State initiated steel foundry sand



# Generator Rule

# Reorganization and Clarifications

- New definitions
- Clarifications to generator categories based on amounts of different types of waste
- Clarification to what is required in a hazardous waste determination

# Reorganization of Generator Regulations

Regulation	Old Citation	New Citation
Generator Categories	§ 261.5 (c-e)	§ 262.13
VSQGs	§ 261.5 (a), (b) (f) – (g)	§ 262.14
Satellite Accumulation Area	§ 262.34 (c)	§ 262.15
SQG	§ 262.34 (d) – (f)	§ 262.16
LQG	§ 262.34 (a) (b), (g) – (i), m	§ 262.17

# Hazardous Waste Determinations

- Emphasize accurate waste determinations
- Explain when a generator's waste determination needs to be made
- Make it clear what records to keep for waste determinations

# Waste Counting

Generator Category	Quantity of Acute Hazardous Waste per Month	Quantity of Non-Acute Hazardous Waste per Month	Quantity of Class 1 waste per month
Very Small Quantity Generator	Less than 1 kilogram (kg)	Less than 100 kg	Less than 100 kg
Very Small Quantity Generator*	Less than 1 kg	Less than 100 kg	Greater than 100 kg
Small Quantity generator	Less than 1 kg	Greater than 100 kg and less than 1,000 kg	Any amount
Large Quantity Generator	Any amount	Greater than 1,000 kg	Any amount
Large Quantity Generator	Greater than 1 kg	Any amount	Any amount

\* VSQGs who must register

# Conditional Requirements

# Registered Episodic Generation

- Facilities whose hazardous waste generation causes them to change generator categories during the year
- Available for VSQGs and SQGs
- Use TCEQ Form 20940

# Unregistered Episodic Waste

- For generators who do not have an active solid waste registration and normally would not require one
- Gives facility a temporary Texas registration number, temporary Texas waste codes, and, if necessary, a temporary EPA ID number
- Not an option for registered generators
- Use TCEQ Form 00757

# Episodic Events Per Year

## Events Per Year

- One episodic event per year and one opportunity to petition TCEQ for a second event.
- Petition process allows a total of 1 unplanned and 1 planned event per year.

# Episodic Recordkeeping

- Maintain Records of:
  - Beginning and end dates of the episodic event
  - A description of the episodic event
  - Types and quantities of hazardous wastes generated during the event
  - Name of transporter and final destination facility
  - TCEQ approval letter if more than one episodic event per year

# Episodic Notification

- Planned events: Must notify TCEQ 30 days prior to the episodic event.
- Unplanned events: Must notify TCEQ within 72 hours after the event.
- The sites have 60 days after the waste generation event to ship the waste off-site.

# Episodic Management Requirements

- Label containers
  - “Episodic waste”
  - Date when episodic event began
- Identify emergency coordinator
- Use a hazardous waste manifest
- Keep records

# VSQGs Waste Consolidation

- VSQGs can send their hazardous waste to a LQG owned by the same person
- Person defined as:
  - an individual, trust, firm, joint stock company, Federal Agency, corporation (including a government corporation), association, or municipality
- Help to reduce VSQG's waste management and disposal costs

# VSQG Requirements

- Consolidate waste at an LQG under same owner/operator for handling and disposal
- Label waste containers with “Hazardous Waste” and the hazards
- Not required to use registered transporter or uniform waste manifest

# LQG Requirements

- Submit Part G and I of Notification of Hazardous and Industrial Waste Form (TCEQ Form 0002)
- Report VSQG waste on annual waste summary
- Label VSQG waste with the date waste was received
- Assign a waste code to VSQG waste and add to NOR
- Maintain records of shipment for three years

# Waiver to 50-Foot Requirement

- Allows for a waiver of the 50 foot requirement for ignitable or reactive waste if the local fire marshal concurs it is appropriate and safe.
- Must obtain a specific written approved waiver from whoever has authority over the fire code.

# Questions?

# Mandatory Requirements

# Labeling Requirements (1 of 2)

- On-site containers and tanks labels must indicate the hazards of the contents.
- Flexibility to indicate the hazards of the contents however the generator chooses
  - Can use established methods (DOT, OSHA, and NFPA).
- For drip pads and containment buildings keep records near the accumulation units.



# Labeling Requirements (2 of 2)

Before shipping waste off-site:

- Generators must mark their containers with waste codes or use a bar-coding system.

This allows receiving TSDFs to know how to treat the wastes to meet land disposal restriction requirement.



# HAZARDOUS WASTE

Flammable Waste

Accumulation Start  
Date: 1/2/2022

Waste Codes: D001

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# HAZARDOUS WASTE

Toxic for Chromium

Accumulation Start  
Date: 2/1/2022

Hazard Code: D007

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# HAZARDOUS WASTE

Accumulation Start Date:

2/3/2022

Hazard Code: D003



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# Satellite Accumulation Areas (1 of 2)

- Hazardous wastes cannot be mixed or placed in a container with other hazardous wastes that are incompatible
- Allows for containers to remain open temporarily under limited circumstances
- Provides maximum weight (1 kg) in addition to volume (1 quart) for acute hazardous waste limit

# Satellite Accumulation Areas (2 of 2)

- Clarifies that “three days” means three consecutive calendar days
- Satellite accumulation areas subject to container compatibility, labeling and contingency plan requirements

# SQG Re-Notification

- The final rule requires SQGs to re-notify every four years.
- The annual waste summary submittal and any updates to a site's NOR will serve as re-notification.
- Electronic reporting is available for both facility information and the annual waste summary through STEERS.

# Drip Pads and Containment Buildings

SQGs may accumulate hazardous waste on drip pads and in containment buildings.

# Emergency Preparedness and Planning

- Generators must keep documentation that they attempted to make arrangements with local emergency responders.
- No specific form is required.



# Emergency Preparedness and Planning: Quick Reference Guides

- New LQGs are required to submit a Quick Reference Guide of their contingency plan to all local emergency providers.
- Existing LQGs are required to prepare and submit a Quick Reference Guide when they update their contingency plan.

# Quick Reference Guide

- Not required to be submitted to the TCEQ.
- However, is required to be available on-site.
- Short document to help during emergencies.

# Quick Reference Guide: Contents

- Names and types of hazardous waste
- Maximum quantities of hazardous waste
- Identify waste requiring special medical treatment
- List emergency coordinators

# Quick Reference Guide: Contents (continued)

- Facility map and street map in relation to schools, residences, etc.
- On-site notification system.
- Location of water supply.

# Closure: Notification

- Notify TCEQ no later than 30 days prior to closing facility.
- Notify TCEQ within 90 days after closing facility that it has complied with closure performance standards.
- LQG can request extension but must notify TCEQ within 75 days after closing facility.

# Closure: Records

- Maintain information of closed units as part of operating record.
- Records must be kept on site and readily available for inspections.



# Additional Rule Package Changes

# Universal Waste Addition

- Aerosol cans can now be managed as universal waste
- Benefits of Universal Waste
  - No manifest is required when transporting universal waste.
  - The waste does not count toward your hazardous waste generator status
  - The waste may be accumulated for up to one year from the start of generation
  - The waste is exempt from annual fees

# Revisions to the Definition of Solid Waste

- Eliminates 2015 verified recycler exclusion and reinstates the 2008 transfer-based exclusion.
- Removes the definition of legitimate recycling and reinstates the 2008 factor four, which must be "considered," but is not a requirement for legitimacy.

# Pharmaceutical Waste at Healthcare Facilities

- Sewer prohibitions effective nationwide August 21, 2019
- Alternatives for hazardous pharmaceutical waste management for healthcare facilities and reverse distributors
- Many registered facilities will no longer need a generator registration
- Removes the P075 listing for over-the-counter nicotine replacement therapies

# Subpart K

- Alternative Requirements for Hazardous Waste Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities.
- Allows for longer accumulation time 12 months instead of 6 months.

# Additional Updates

- Fees associated with electronic and paper manifests.
- Foundry sands - conditional exclusion to codify existing guidance for reuse of spent foundry sands.

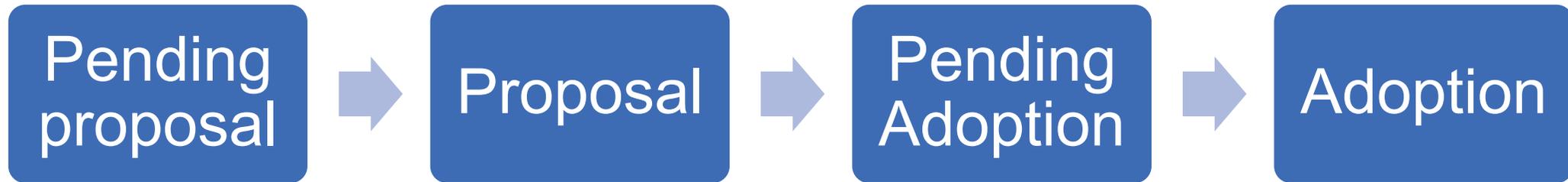
# Any Questions So Far?

# Break



# Rule Adoption Process

# Rule Making Process

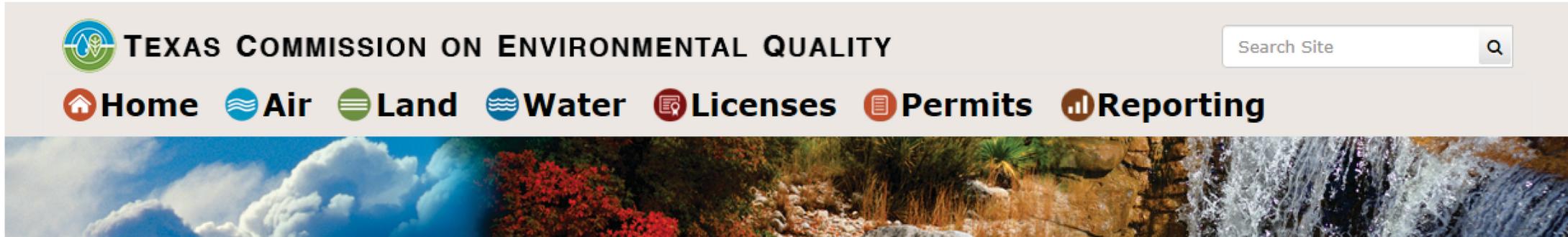


# RCRA Rule Project Status

Rule Making Project: 2019-086-335-WS

- Approved by Commissioners on January 12, 2022
- Estimated effective date is February 3, 2022

See TCEQ's [Rules and Rulemaking](#) webpage to check the status of rule making projects.



## Rules and Rulemaking Home

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## Rules and Rulemaking

View and download current TCEQ rules. Find out about proposals, adoptions, and agreements with other state agencies.

### What's New in TCEQ Rules

Find out quickly when new rulemaking items have been added to the rules web pages by checking this page regularly.

### Current Rules and Regulations

Download rules. View official rules, federal regulations, memoranda of understanding.

#### Download TCEQ Rules

Download the TCEQ's current chapters in Adobe Portable Document Format  or the official version in HTML format.

### Rule Proposals and Adoptions

Rules formally under proposal or adoption.

Questions or Comments:  
[rules@tceq.texas.gov](mailto:rules@tceq.texas.gov)

#### Related Content

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 [Updates on rule petitions, proposals and adoptions](#)

 [The Advocate: announcements on changes to rules that affect small businesses and local governments](#)

# Sign Up for GovDelivey

- Sign up to receive email updates from the TCEQ
- Learn about webinars, trainings, and new rule proposals
- [Texas Commission on Environmental Quality \(govdelivery.com\)](http://govdelivery.com)

# TCEQ Resources

- [IHW Compliance Resources Website](#)
- [TCEQ Episodic Generation Website](#)
- [TCEQ VSQG Hazardous Waste Consolidation Website](#)
- [TCEQ Hazardous Waste Pharmaceutical Management Website](#)

# EPA Resources

- [Generator Improvement Rule Website](#)
- [Crosswalk from Old Citations to New Citations](#)
- [FAQs for Implementing the New Rule](#)
- [Hazardous Waste Generator Improvements Fact Sheet](#)



# Small Business and Local Government Assistance

# SBLGA Programs Offer:

- ☑ Technical Assistance  
*with understanding the rules and meeting requirements*
- ☑ One to One Help
- ☑ Compliance Tools
- ☑ Free & Confidential

# SBLGA Customers



*Help For  
Smaller Entities*

- Business & Industry
- Local Governments
- Associations
- Other Agencies

# Small Business

Any independently owned and operated company with 100 or fewer employees across all locations



# Small Local Government



- City of 50,000 or Fewer
- County of 100,000 or Fewer
- ISD with 100,000 or Fewer Students

# SBLGA Programs

- Hotline
- EnviroMentor
- Regional Staff
- *The Advocate* Electronic Newsletter
- GovDelivery Groups

# Getting Help

- Hotline
  - **1-800-447-2827**
  - M-F 8:00am-5:00pm
- [www.TexasEnviroHelp.org](http://www.TexasEnviroHelp.org)
- Office & Site Visits

# EnviroMentor Program

- Technical Assistance
- Volunteer Professionals
  - **Consultants**
  - **Engineers**
  - **Lawyers**
  - **Operators**





# Rural Ombudsman

- Liaison between TCEQ and Local Governments
- Outreach and education
- Partnership development
- Provides Local Government perspective on TCEQ Rules and policy
- **Jason Robinson 512-239-6710**

# GovDelivery Groups

- Stormwater
- Municipal Solid Waste
- Petroleum Storage Tank
- Public Water Systems
- On Site Sewage Facilities
- Wastewater
- Oil & Gas Activity

# Information Resources

★ *The Advocate*

★ **1-800-447-2827 to Subscribe – FREE!**

★ Rule Change Outreach

★ Compliance Initiatives

★ Workshops & Seminars

★ Online & Print Publications

★ **[www.TexasEnviroHelp.org](http://www.TexasEnviroHelp.org)**

# Contact SBLGA

**SBLGA Hotline**

**1-800-447-2827**

**Email**

**[TexasEnviroHelp@tceq.texas.gov](mailto:TexasEnviroHelp@tceq.texas.gov)**

# Final Questions?