

Hazardous Waste Rule Amendments Presentation Transcript

Slide 1:

Welcome to our overview of the updates to the hazardous waste rules that the Montana Department of Environmental Quality has recently adopted. We are glad you are here and interested in knowing more. I am Jennifer Strause, the hazardous waste regulatory specialist for western Montana, and I will be your guide through these slides. Our contact information is listed on the last slide of this presentation and on our website. Please do not hesitate to call or email us with any questions you may have. For the majority of the hazardous waste rules in Montana, we adopt the Federal regulations by reference. With this latest update, we will be updating to the 2021 version of the federal hazardous waste rules. This includes the generator improvement rule, new pharmaceutical rules found in 40 CFR 266 Subpart P, adding aerosol cans to the universal waste regulations, and updating our fees to keep our program able to continue. The following slides will go into more detail about the updates. These updates are in effect as of May 14, 2022.

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Let's talk about WHY the EPA and now Montana has made these changes to the hazardous waste regulations. There had not been a big update to the rules since they were first established in 1980. Through experience with implementing the rules, it became apparent that there was a need for more clarity, consistency, and flexibility. These new rules were developed with extensive feedback from the regulated community and the folks that regulate them. The ultimate goal of these updates is to encourage compliance by making the regulations easier to read and more flexible and therefore do a better job protecting the environment.

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Not all the new regulations affect all generators of hazardous waste. This chart shows which of the provisions apply to the different generator categories. One of the most visible changes the rules make is the change to the smallest category of generators. These are the generators that generate less than or equal to 220 pounds of hazardous waste per month. Previously known as Conditionally-Exempt Small Quantity Generators, they are now known as Very Small Quantity Generators. We will talk more about some of the other new provisions in the following slides.

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One of the great things the generator improvement rule did was to reorganize the regulations to make them easier to find and ultimately to follow. Where before, the regulations jumped around a bit and had pieces and parts spread between several different sections, now they are organized to give all the regulations for each item shown their own place in the regulations.

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Episodic generation is one of the provisions that adds flexibility to generators. An episodic event is one that isn't part of the normal operations at your facility and results in an increase in the amount of hazardous waste generated. The hazardous waste generated during an episodic event does not count toward your generator category and does not change your generator status. Episodic generation may be planned or un-planned. Planned events include things such as short-term demolitions, tank clean-outs, short-term remediation projects, and removal of excess inventory. DEQ must be notified at least 30 days before the planned event and once it starts, you have 60 days to complete the project and remove the waste. Unplanned events include things such as hazardous waste generated because of process upsets, equipment failure, product recalls, or acts of nature such as floods or fire. DEQ must be notified within 72 hours of an unplanned event. You are allowed one episodic event per calendar year and an opportunity to petition DEQ for a second event.

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Another way these new rules provide flexibility is the option for large quantity generators to accumulate waste from one or more very small quantity generators where all are under the control of the same entity. No manifests or special hazardous waste transporters are needed for transporting the VSQG waste to the LQG. Once the waste reaches the LQG, it must be labeled, handled, and disposed of as if it were LQG waste, including removal from the LQG within 90 days of arrival. You must notify DEQ if you would like to use this provision.

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Already established in the regulations was a requirement that large quantity generators keep ignitable and reactive wastes at least 50 feet from the property line. The new rules allow LQGs to apply for a waiver to this requirement. These waivers will be considered on a case-by-case basis. Please contact our office if your facility would like to seek a waiver.

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One change in the regulations that will affect all generators of hazardous waste is the change to container, tank, and satellite accumulation labeling requirements. Now, in addition to the words "Hazardous Waste", there must also be a label that indicates why the contents are hazardous. There are several options for complying with this requirement, including DOT hazard class labels, OSHA or GHS statements or pictograms, the National Fire Protection Association chemical hazard label, or words indicating the hazardous waste characteristic, such as ignitable, reactive, or toxic.

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Here you can see some examples of labels that can be used to indicate what hazard the waste poses. The words hazardous waste may be integrated into the label or separate. This additional labeling is designed to help keep employees and first responders safer when dealing with hazardous wastes.

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Another update to improve safety around hazardous wastes is found with updates to the emergency response and contingency planning rules. These rules were consolidated and reorganized to be easier to find and read. Emergency planning and preparedness standards apply any place hazardous waste is generated or accumulated, including at the point of generation, any satellite accumulation areas, and at the central accumulation area. If your facility is subject to other regulations that require formal plans, such as the requirement for an SPCC plan, one plan may still be used as long as it contains all the components required in the hazardous waste regulations. In addition, large quantity generators must develop a quick reference guide for their plan and submit it to local emergency responders. As before, these plans must be kept up-to-date with facility or emergency coordinator changes.

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The generator improvement rule consolidated the existing requirements for closure of units or facilities from several places to a single location, making them easier to find and follow. Large quantity generators that are closing all or part of their facility must notify DEQ at least 30 days prior to closing and within 90 days after closing. Sites that are unable to meet closure standards, such as contaminated soil that cannot be easily removed, must be closed as a landfill and follow post-closure requirements found in 40 CFR part 265. These requirements are designed to help a facility leave behind a clean site and hopefully keep it out of the superfund program.

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Another rule being adopted by Montana are the changes in management standards for hazardous waste pharmaceuticals. This rule can be found at 40 CFR 266 Subpart P. You will often hear it referred to as simply "Subpart P". This applies to all businesses considered healthcare facilities, which includes doctors and dentists' offices, veterinarians, pharmacies and drug stores, hospitals, nursing care facilities, and outpatient care facilities, among others. The rules will also apply to companies considered reverse distributors of pharmaceuticals. Subpart P does not remove hazardous waste pharmaceuticals from regulation under RCRA, but changes how they are managed. Facilities that are currently considered small or large quantity generators or reverse distributors, must notify DEQ of their participation in Subpart P within 60 days of the rule becoming effective. For very small quantity generators, managing hazardous waste pharmaceuticals under Subpart P is optional but you must notify us if you would like to participate. The rule also removes nicotine replacement products such as gum and patches from classification as an acute hazardous waste and bans all dumping of hazardous waste pharmaceuticals into sewers.

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Did you know that aerosol cans account for nearly 40 percent of retail items that are managed as hazardous waste at large retail facilities? Aerosol cans are used to dispense a wide range of products in almost all commercial sectors. With that in mind, EPA has added aerosol cans to the universal waste regulations. They join batteries, pesticides, mercury containing equipment, and lamps or bulbs. All universal wastes can be stored on-site for up to 1 year in closed and properly labeled containers. Hazardous waste manifests and transporters are not required but the wastes must ultimately be disposed of properly at a hazardous waste recycler or disposal facility. Universal wastes do not count toward your generator category.

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The other change to our rules is an update to our fees for hazardous waste generator registration, annual generator registration maintenance, and permitting renewal and modifications. DEQ also added a change of activity fee for certain notifications including episodic generators, VSQG-LQG consolidation, and notification from Subpart P health care facilities.

Hazardous waste registration and permitting fees have not been increased since 2009. DEQ determined that a need existed to amend the fee rules to provide sufficient funds for DEQ to effectively operate and implement the federal and state regulatory obligations.

The fee increase is based on the average rate of inflation since 2010, and projected program funding needs over a 10-year period. The Consumer Price Index for the United States was used as the basis for determining the inflation index.

Initial Generator Registration increased from \$225 to \$270

Annual Maintenance Administration Fees increased from \$200 to \$240 per year

Annual Maintenance Tonnage Fees increased from \$20 to \$25 per ton after 1.3 tons and

Annual Maintenance Tonnage Fees for Remediation Waste remained the same at \$15 a ton with a cap of \$25,000

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Fees for Treatment, Storage, and Disposal Facilities with a Hazardous Waste Permit also increased in this rule package. There are currently six active permitted facilities in Montana. Permits are renewed every 10 years and fees are dependent upon the facility classification. Permit modifications occur when requested or required during the life of the permit, with the modification class dependent upon the complexity of the modification. Permit facility class and permit modification class determinations are specified in the Administrative Rules of Montana.

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That concludes our overview of the new hazardous waste rules being adopted by the State of Montana. More information, helpful links, and notification forms can be found on our website. If you have any questions, please call our main line at 406-444-5300 and ask for hazardous waste compliance assistance or email us at DEQHazWaste@mt.gov. Thank you for joining me today and helping to keep Montana clean for future generations.