

BETTER SMALL THAN LARGE

Small versus large, which is better? I guess it depends. Is a large family better than a small family? Is it better to work for a large company or a small company? Should you go to a large college or a small college? Many of these answers have to do with personal preferences. Unfortunately, when your company generates hazardous waste, these decisions may not be up to you. There's no doubt in my mind, I would rather be a small quantity generator, than a large quantity generator. This is because of the five major differences between large and small quantity generators under the EPA Hazardous Waste Regulations.

LARGE QUANTITY GENERATORS

Large quantity generators must meet additional requirements when they store and accumulate hazardous waste. They must meet Subpart CC in the Air Emission Standards. They have additional requirements for tank storage under Subpart J of Part 265. They must ensure their ignitable and reactive waste is not stored within 50 feet of the property line. They have additional requirements for closure of their facilities and hazardous waste accumulation units. They must meet Preparedness, Prevention and Emergency Procedures for large quantity generators in Subpart M of Part 262.

AIR EMISSION STANDARDS

The Subpart AA, BB, and CC Air Emission Standards are not just for TSDFs. All TSDFs must meet the AA Air Emission Standards for Process Vents and the Subpart BB Air Emission Standards for Equipment Leaks, which have been in effect since June 1990. But, then on December 8, 1997 the Subpart CC Air Emission Standards for Tanks, Surface Impoundments, and Containers became effective for both TSDFs and large quantity generators. These air emission standards have become a major component of enforcement actions in recent years.

HAZARDOUS WASTE TANKS

Unlike very small and small quantity generators, large quantity generators must meet Subpart J of Part 265 for tanks. Before the Hazardous Waste Generator Improvements Rule came in to effect, small quantity generators had to meet the same requirements for tanks of hazardous waste as large quantity



generators, but this may no longer be the case. Depending on your state's approved hazardous waste management program, some small quantity generators will no longer have to meet the treatment, storage & disposal requirements for tank storage. However, this is not the case for large quantity generators, as they must still meet the requirements for storage of hazardous waste in tanks, in the same manner as a permitted TSDF.

IGNITABLE AND REACTIVE HAZARDOUS WASTE

Large quantity generators have additional requirements or Special Conditions for Ignitable and Reactive wastes, unlike smaller generators. Any container holding ignitable or reactive waste must be located at least 50 feet from the facility's property line. Again, because small quantity generators have limits on the amount of waste that they can store on-site at one time, they don't have to meet this requirement. You should be aware that there is an exception if you're able to obtain written approval from the authority having jurisdiction over your local fire code, which must be maintained as long as those wastes are accumulated in those areas.

HAZARDOUS WASTE FACILITY AND ACCUMULATION UNIT CLOSURE

Then in addition to the requirements above, large quantity generators must meet closure standards for containers, tanks, drip pads and containment buildings. LQGs will have two choices when closing a facility or waste accumulation units around their plant. First, they can place a notice in the operating record within 30 days after closure, identifying the location of the unit within the facility. The second option would be to meet all of the closure performance standards of paragraph in 262.17(a)(8)(iii), for container, tank, and containment building waste accumulation units and paragraph (a)(8)(iv), for drip pads.

That is not all; LQGs must notify EPA on form 8700-12 no later than 30 days before closing the facility. Then, they have the additional requirement to notify EPA on the same form within 90 days after the facility has been closed and the closure performance standards have been met. If the large quantity generator's facility cannot meet the closure performance standards or it receives an extension, EPA could require them to close as a landfill under 40 CFR 265.310.

PREPAREDNESS, PREVENTION AND EMERGENCY PROCEDURES

Both large and small quantity generators must prepare Preparedness and Prevention Plans to "minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment." But, needless to say, large quantity generators have further requirements, in this case. In addition to the preparedness and prevention plans, large quantity generators must meet The Contingency Plan requirements in 262.250.

LQG CONTINGENCY PLANS

All large quantity generators must have a contingency plan for their facility which “must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.” The contingency plan must describe the actions taken by facility personnel in emergencies; it must be submitted to all local emergency responders like, police departments, fire departments, state and local emergency response teams, and the local emergency planning committee, or anyone else, if appropriate, that may be called upon in emergencies.

EMERGENCY COORDINATOR

Then finally, large quantity generators are required to designate individuals as emergency coordinators, who must be on-site or able to respond in a short period of time, by reaching the facility, for coordination and implementation of the required emergency procedures in 262.265. These large quantity generator emergency procedures include activation of alarms, communication systems, evacuation coordination and the notification to appropriate state and local agencies and the EPA regional administrator.

EPISODIC RELEASES

I don't know about you, but if I were currently a large quantity generator and did not want to meet all the additional large quantity generator requirements, I would try to take advantage of the new episodic release provisions, which allow very small and small quantity generators to generate large quantities of hazardous waste within a 60 day period and not lose their current status. This, of course, will all be based on whether or not your state adopts the episodic release regulations in their approved state hazardous waste programs.

It's not easy to meet the requirements when you are a hazardous waste generator, but it makes sense that the more waste you generate, the more requirements you have to meet. All of these new regulations can be found in our brand New 2017/2018 Hazardous Materials, Substances and Wastes Compliance Guide, which is now available. And of course, I will be covering each of these topics in detail in our seminars and future blogs, but in the meantime if you have any questions or comments please feel free to contact me.

Thank you for your readership and support.



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