Overview of the Virginia Hazardous Waste Management Regulations

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DEQ Tidewater Regional Office
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Don’t Fear the RCRA

The Resource Conservation and Recovery Act
Hazardous Waste Management Regulations

- Federal basis is the **Resource Conservation and Recovery Act (RCRA)** of 1976, Subtitle C
  - Provides a “cradle to grave” program to manage hazardous waste
  - Regulations to protect “the land”
Virginia Laws/Regulations

- Virginia Waste Management Act
- **Virginia Hazardous Waste Management Regulations (VHWMR)**
  - Virginia adopts the federal regulations by reference
  - Also includes Virginia-specific requirements
    - Additions and omissions
Responsible Agencies

• Federal
  – US Environmental Protection Agency
    (USEPA Region III in Philadelphia, PA)

• State
  – Virginia Department of Environmental Quality
DEQ Regional Offices

NRO – Woodbridge
SWRO – Abingdon
BRRO – Lynchburg & Roanoke
PRO – Glen Allen
VRO – Harrisonburg
TRO – Virginia Beach
Hazardous Waste Management Regulations
Elements

• Identifies which wastes are hazardous
• Establishes administrative requirements for generators, transporters, and facilities that treat, store or dispose of hazardous waste
• Sets technical standards for the design and safe operation of facilities
• Provides the basis for developing and issuing permits
• Requires clean up of releases to the environment
Generators

- Conditionally Exempt Small Quantity Generator (CESQG)
- Small Quantity Generator (SQG)
- Large Quantity Generator (LQG)
## Generator Summary Chart

<table>
<thead>
<tr>
<th></th>
<th>CESQG</th>
<th>SQG</th>
<th>LQG</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Quantity Limits</strong></td>
<td>≤ 100 kg/month</td>
<td>between 100 – 1,000 kg/month</td>
<td>≥ 1000 kg/month</td>
</tr>
<tr>
<td></td>
<td>&lt; 1 kg/month of acute hazard waste</td>
<td>≤ 1 kg/month of acute hazard waste</td>
<td>&gt; 1 kg/month of acute hazardous waste</td>
</tr>
<tr>
<td></td>
<td>≤ 100 kg/month of acute spill residue or soil</td>
<td>≤ 100 kg/month of acute spill residue or soil</td>
<td>&gt; 100 kg/month of acute spill residue or soil</td>
</tr>
<tr>
<td></td>
<td>§§261.5(a) and (e)</td>
<td>§§261.5</td>
<td>§§261.5</td>
</tr>
<tr>
<td><strong>EPA ID Number</strong></td>
<td>Not required</td>
<td>Required</td>
<td>Required</td>
</tr>
<tr>
<td></td>
<td>§261.5</td>
<td>§262.12</td>
<td>§262.12</td>
</tr>
<tr>
<td><strong>On-Site Accumulation Quantity</strong></td>
<td>≤ 1000 kg</td>
<td>≤ 6000 kg</td>
<td>No limit</td>
</tr>
<tr>
<td></td>
<td>&lt; 1 kg acute</td>
<td>§262.34(d)(1)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>≤ 100 kg/month of acute spill residue</td>
<td>≤ 1 kg acute</td>
<td></td>
</tr>
<tr>
<td></td>
<td>§§261.5(f)(2) and (g)(2)</td>
<td>≤ 100 kg/month of acute spill residue</td>
<td></td>
</tr>
<tr>
<td><strong>Accumulation Time Limits</strong></td>
<td>None</td>
<td>≤ 180 days or</td>
<td>≤ 90 days</td>
</tr>
<tr>
<td></td>
<td>§261.5</td>
<td>≤ 270 days (if &gt;200 miles)</td>
<td>§262.34(b)</td>
</tr>
</tbody>
</table>
## Generator Summary Chart (cont.)

<table>
<thead>
<tr>
<th>Generator Requirements</th>
<th>CESQG</th>
<th>SQG</th>
<th>LQG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Accumulation Requirements</td>
<td>None $§261.5$</td>
<td>Basic requirements with technical standards for tanks and containers $§262.34(d)(2)$ and $§262.34(d)(3)$</td>
<td>Full compliance for management of tanks, containers, drip pads, or containment buildings $§262.34(a)$</td>
</tr>
<tr>
<td>Personnel Training</td>
<td>Not required $§261.5$</td>
<td>Basic training required $§262.34(d)(5)(iii)$</td>
<td>Required $§262.34(a)(4)$</td>
</tr>
<tr>
<td>Contingency Plan and Emergency Procedures</td>
<td>Not required $§261.5$</td>
<td>Basic plan $§262.34(d)(5)(i)$</td>
<td>Full plan required $§262.34(a)(4)$</td>
</tr>
<tr>
<td>Preparedness and Prevention</td>
<td>Not required</td>
<td>Required $§262.34(d)(4)$</td>
<td>Full plan required $§262.34(a)(4)$</td>
</tr>
<tr>
<td>Air Emissions</td>
<td>Not required</td>
<td>Not required</td>
<td>Required $§262.34(a)(1)(i)$</td>
</tr>
<tr>
<td>Land Disposal Restrictions</td>
<td>Not required</td>
<td>Required $§262.34(d)(4)$</td>
<td>Required $§262.34(a)(4)$</td>
</tr>
<tr>
<td>Manifest</td>
<td>Not required $§261.5$</td>
<td>Required $§262.20$</td>
<td>Required $§262.20$</td>
</tr>
</tbody>
</table>
## Generator Summary Chart (cont.)

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<tr>
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<th>SQG</th>
<th>LQG</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Waste Minimization</strong></td>
<td>None</td>
<td>Good faith effort §262.27</td>
<td>Program in place required §262.27</td>
</tr>
<tr>
<td><strong>Pre-Transport Requirements</strong></td>
<td>Yes (if required by DOT)</td>
<td>Yes §§262.30-262.33</td>
<td>Yes §§262.30-262.33</td>
</tr>
<tr>
<td><strong>Biennial Report</strong></td>
<td>Not required §261.5</td>
<td>Not required §262.44</td>
<td>Required §262.41</td>
</tr>
<tr>
<td><strong>Exception and Additional Reporting</strong></td>
<td>Not required.</td>
<td>Required §§262.42(b) and 262.43</td>
<td>Required §§262.42(b) and 262.43</td>
</tr>
<tr>
<td><strong>Recordkeeping</strong></td>
<td>Not required</td>
<td>Required §262.40(a), (c), and (d)</td>
<td>Required §262.40</td>
</tr>
<tr>
<td><strong>Off-Site Management of Waste</strong></td>
<td>Facilities noted in §§261.5(f)(3) and (g)(3). Also see 9 VAC 20-81-90.A.</td>
<td>RCRA permitted/interim status facilities</td>
<td>RCRA permitted/interim status facilities</td>
</tr>
<tr>
<td><strong>Closure</strong></td>
<td>Not required</td>
<td>Required – tanks only §265.201(f)</td>
<td>Required §262.34(a)(1)</td>
</tr>
</tbody>
</table>
Common Problems - General

- Failure to identify and assess hazardous waste
- Failure to recognize and act on compliance responsibilities
- Failure to perform self-assessments of programs and establish SOPs
- Failure to quickly correct problems when they are noted
EPA Identification Numbers

- RCRA Subtitle C Site Identification Form (EPA Form 8700-12)
- Permanent v. Provisional Use
- Common Concerns re: Provisional Use
  - Who “owns” the waste?
  - DoD/Navy
    - Navy-owned
    - Contractor-owned
    - Co-generator
EPA Identification Numbers

• Who to contact if unsure?
  – DEQ Regional HW staff
    • Lisa Silvia, (757) 518-2175
      lisa.silvia@deq.virginia.gov
  – Navy Regional ENVIRONMENTAL Staff
    • Milton Johnston, Director, HW Compliance and P2, NAVFAC MIDLANT
      – (757) 341-0400
  – Host Shipyards ENVIRONMENTAL Staff
NEVER SELF-TRANSPORT HAZARDOUS WASTE OFF THE WORKSITE *

— *Very few exceptions
Recent Regulatory Activity

• EPA Final Rules:
  – Solvent-Contaminated Industrial Wipes
  – 2015 Definition of Solid Waste

• EPA Proposed Rules
  – HW Generator Improvement Rule
  – HW Pharmaceuticals

• DEQ Pending Rule
  – Universal Waste Fluorescent Lamp Crushing
Recent EPA Proposed Rules

- **Hazardous Waste Generator Improvements**
  - A much-needed update to the HW generator regulations to make the rules easier to understand, facilitate better compliance, provide greater flexibility in how hazardous waste is managed, and close important gaps in the regulations.
  - [https://www.epa.gov/hwgenerators/proposed-rule-hazardous-waste-generator-improvements](https://www.epa.gov/hwgenerators/proposed-rule-hazardous-waste-generator-improvements)

- **Management Standards for Hazardous Waste Pharmaceuticals**
  - A tailored, sector-specific set of regulations for the management of HW pharmaceuticals by healthcare facilities (including pharmacies) and reverse distributors. It will provide standards to ensure the management of HW pharmaceuticals is safe and workable within the healthcare setting.
Universal Waste Fluorescent Lamp Crushing

• Federal regulations do not allow crushing of bulbs, but states can demonstrate equivalency.
• Virginia’s regulations allow, but had not been approved by EPA.
• DEQ is in the process of finalizing revisions to regulations.
Resources & References

- EPA Waste – RCRA Online
- [https://yosemite.epa.gov/osw/rcra.nsf/how+to+use?OpenForm](https://yosemite.epa.gov/osw/rcra.nsf/how+to+use?OpenForm)
Resources & References (cont.)

- DEQ Synopsis of Requirements for Small Quantity Generators

- DEQ Synopsis of Requirements for CESQGs
DEQ HW Contacts

- SWRO – Justen Dick
- BRRO – Rebecca Wright
- VRO – Jonathan “Jed” Pascarella
- NRO – Ann Zimmerman
- PRO – Shane Noyes
- TRO – Lisa Silvia
- CO – Lisa Ellis

DEQ General Directory (804) 698-4000
Questions?